

*Status: Point in time view as at 01/02/1998.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

#### CONSTITUTION AND PROCEDURE OF LICENSING JUSTICES

##### PART I

##### LICENSING COMMITTEES

- 1 A licensing committee shall be appointed in the month of October, November or December for the year beginning with the following 1st January.
- 2 A licensing committee shall consist of such number of members as the justices appointing the committee may determine, not being less than five nor more than [<sup>F1</sup>twenty or such larger number as is for the time being authorised under para. 2A below.]

##### Textual Amendments

**F1** Words substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 14(3)(a)

- [<sup>F2</sup>2A The Secretary of State may direct that such number greater than twenty as is specified in the direction shall be the maximum number of members of licensing committees and a direction under this paragraph may apply to the committees for licensing districts specified in the direction and, where it does so apply, may specify different numbers for the committees for different districts.]

##### Textual Amendments

**F2** [Sch. 1 para. 2A](#) inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 14(3)(6)

- 3 A casual vacancy arising in a licensing committee from death, resignation or otherwise may be filled by the justices by whom the committee is appointed.
- 4 The quorum of a licensing committee shall be three.
- 5 The members of the committee retiring at the end of a year may be re-appointed; and, if members are not appointed in any year to succeed the retiring members, the retiring members may continue to act until their successors are appointed.
- 6 Notwithstanding anything in section 2(2) of this Act, where, in the case of any licensing district other than a borough having a separate commission of the peace, the total number of justices acting for the petty sessions area forming the district (excluding any who are disqualified under subsections (1) to (3) of section 193 of this Act) is less than ten, the committee for that district may, if the justices so determine, consist of all of them.

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## PART II

### LICENSING SESSIONS

- 7 The licensing sessions of each twelve months beginning with February shall be held at as nearly regular intervals as may be, and the general annual licensing meeting shall be held in the first fortnight of February.
- 8 The licensing justices shall appoint the day, time and place for holding the licensing sessions of each twelve months at a meeting held not less than twenty-one days before the day appointed for the general annual licensing meeting or, in the case of the transfer sessions, either at that meeting or at the general annual licensing meeting.
- 9 The licensing justices may for the general annual licensing meeting appoint different days for different parts of the licensing district, and, if they do, may appoint different places also.
- 10 A licensing sessions may, for the purpose of dealing with business not disposed of, be from time to time continued by adjournment beyond the day appointed for the holding of the sessions; but no new application may be made at any adjourned sessions and references in this Act or any other enactment (in whatever terms) to the day or first day of a licensing sessions and to the conclusion of a licensing sessions shall be taken as referring to the day appointed for holding the sessions and to the conclusion of the proceedings on that day (and, in the case of a general annual licensing meeting for which different days are appointed for different parts of the licensing district, as having reference to the one appointed for the relevant part of the district).
- 11 When licensing justices have appointed the time and place for the holding of any licensing sessions, the clerk shall advertise notice of it in a newspaper circulating in the licensing district, and shall send notice of it—
- (a) to every member of the licensing committee;
  - (b) to every holder of a justices’ licence or canteen licence in the licensing district;
  - (c) to every person who gives or has previously given the clerk notice of his intention to apply for such a licence at those sessions;
  - (d) to the chief officer of police for the police area or each of the police areas in which the licensing district or any part of it is situated.

## SCHEDULE 2

### APPLICATIONS FOR JUSTICES’ LICENCES

- 1 A person proposing to apply at a licensing sessions for the grant of a new justices’ licence, or for the ordinary or special removal or the transfer of a justices’ licence, shall give the following notices:—
- (a) not less than twenty-one days before the day of the licensing sessions he shall give notice in writing to the clerk to the licensing justices, the chief officer of police and the proper local authority;

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- (b) in the case of a transfer he shall give the like notice to the holder of the licence (if any), and in the case of a removal he shall give the like notice to the registered owner of the premises from which it is sought to remove the licence and the holder of the licence (if any) unless he is also the applicant;
- (c) except in the case of a transfer, he shall—
- (i) not more than twenty-eight days before the day of the licensing sessions display notice of the application for a period of seven days in a place where it can conveniently be read by the public on or near the premises to be licensed (or, in the case of an application for a provisional grant, on or near the proposed site of those premises); and
  - (ii) not more than twenty-eight days nor less than fourteen days before the day of the licensing sessions (and, if the licensing justices so require, on some day or days outside that period but within such other period as they may require) advertise notice of the application in a newspaper circulating in the place where the premises to be licensed are situated.
- 2 A person proposing to apply at transfer sessions for the renewal of a justices' licence shall give notice in accordance with sub-paragraph (a) of paragraph 1 of this Schedule.
- 3 With the notice given under sub-paragraph (a) of paragraph 1 of this Schedule to the clerk to the licensing justices there shall be deposited a plan of the premises to be licensed, if the application is—
- (a) for the grant of a new justices' on-licence or of an ordinary removal of a justices' on-licence; or
  - (b) for the provisional grant of a new justices' off-licence or of an ordinary removal of a justices' off-licence;
- and is not an application made in accordance with section 6(5) of this Act.
- 4 A notice under this Schedule—
- (a) shall be signed by the applicant or his authorised agent;
  - (b) shall state the name and address of the applicant and, except in the case of a removal of a licence held by him or of a renewal, his trade or calling during the six months preceding the giving of the notice;
  - (c) shall state the situation of the premises to be licensed and, in the case of a removal, the premises from which it is sought to remove the licence;
  - (d) in the case of a new licence, shall state the kind of licence for which application is to be made.
- 5 The notice required by sub-paragraph (a) of paragraph 1 of this Schedule to be given to the proper local authority shall be given—
- <sup>F3</sup>(a) if the premises to be licensed are [<sup>F4</sup>in England but] outside Greater London, to the proper officer of the district council, and
    - [ if the premises to be licensed are in Wales, to the proper officer of the
  - <sup>F5</sup>(aa) county council or county borough council; and]
  - (b) if the premises to be licensed are in a parish, to the proper officer of the parish council or, where there is no parish council, to the chairman of the parish meeting; and

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- (c) if the premises are in a community where there is a community council, to the proper officer of that council.]and, in the case of a new licence or a removal, shall also be given to the authority discharging in the area where those premises are situated the functions of fire authority under the <sup>M1</sup>Fire Services Act 1947.

**Textual Amendments**

- F3** Para. 5(a)–(c) substituted by Local Government Act 1972 (c. 70, SIF 81:1), **Sch. 25 para. 6**
- F4** Words in Sch. 2 para. 5(a) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 22(6)**(with ss. 54(5)(7), 55(5)); S.I. 1996/396, art. 4, **Sch. 2**
- F5** Sch. 2 para. 5(aa) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 22(6)**(with ss. 54(5)(7), 55(5)); S.I. 1996/396, art. 4, **Sch. 2**

**Marginal Citations**

- M1** 1947 c. 41 (50).

6 The clerk to the licensing justices shall for each licensing sessions keep a list of the persons giving notice under this Schedule of their intention to apply for the grant of a justices’ licence; and the list shall show the name and address of the applicant, the nature of the application and the situation of the premises to be licensed and for the fourteen days preceding the sessions shall at all reasonable times be open to inspection, by any person on payment of the appropriate fee (if any) and, without payment, by any officer of Customs and Excise.

7 Where the applicant for the grant of a justices’ licence has, through inadvertence or misadventure, failed to comply with the requirements of the preceding paragraphs of this Schedule, the licensing justices may, upon such terms as they think fit, postpone consideration of his application; and, if on the postponed consideration they are satisfied that any terms so imposed have been complied with, they may deal with the application as if the applicant had complied with those requirements.

8 On the consideration of an application for a justices’ licence the applicant shall, if so required by the licensing justices, attend in person, and licensing justices may postpone consideration of an application until the applicant does so attend; but he shall not be required to attend in the case of a renewal unless objection is made to the renewal.

9 ..... **F6**

**Textual Amendments**

- F6** Sch. 2 para. 9 repealed by Licensing Act 1988 (c. 17, SIF 68A:1), s. 19, **Sch. 4**

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## SCHEDULES 3 AND 4

F7

### Textual Amendments

- F7** Schs. 3, 4 repealed with saving by Licensing (Alcohol Education and Research) Act 1981 (c. 28, SIF 68A:1), s. 11, **Sch. 2 Pt. I**

## SCHEDULE 5

Sections 3, 71.

### REQUIREMENTS TO BE COMPLIED WITH BY CLUB'S APPLICATION FOR REGISTRATION CERTIFICATE

- 1 The application shall specify the name, objects and address of the club, and shall state that there is kept at that address a list of the names and addresses of the members.
- 2 The application shall state, in terms of subsections (1) and (2) of section 41 of this Act, that the club is qualified under those subsections to receive a registration certificate for the premises, or will be so qualified if, as regards any provision of the rules specified in the application, the court sees fit to give a direction under section 42(2) of this Act.
- 3 The application shall set out, or shall incorporate a document annexed which sets out, the names and addresses of the members of any committee having the general management of the affairs of the club, and those of the members of any other committee concerned with the purchase for the club or with the supply by the club of intoxicating liquor, and those of other officers of the club.
- 4 (1) The application shall state, or shall incorporate a document annexed which states, the rules of the club or, in the case of an application for renewal, the changes in the rules made since the last application for the issue or renewal of the certificate.  
(2) If, in the case of an application for renewal, there has been no such change as aforesaid, the application shall so state.
- 5 The application shall—
  - (a) identify the premises for which the issue or renewal of the registration certificate is sought; and
  - (b) state that those premises are or are to be occupied by and habitually used for the purposes of the club, the times at which they are or are to be open to members and the hours (if any) fixed by or under the rules of the club as the permitted hours there; and
  - (c) state the interest held by or in trust for the club in those premises and, if it is a leasehold interest or if the club has no interest, the name and address of any person to whom payment is or is to be made of rent under the lease or otherwise for the use of the premises.
- 6 (1) The application shall give, or shall incorporate a document annexed which gives—
  - (a) particulars of any property not comprised in paragraph 5 of this Schedule which is or is to be used for the purposes of the club and not held by or in

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- trust for the club absolutely, including the name and address of any person to whom payment is or is to be made for the use of that property;
- (b) particulars of any liability of the club in respect of the principal or interest of moneys borrowed by the club or charged on property held by or in trust for the club, including the name and address of the person to whom payment is or is to be made on account of that principal or interest;
- (c) particulars of any liability of the club or of a trustee for the club in respect of which any person has given any guarantee or provided any security, together with particulars of the guarantee or security given or provided, including the name and address of the person giving or providing it.
- (2) An application for renewal, or document annexed to it, may give the particulars required by this paragraph by reference to the changes (if any) since the last application by the club for the issue or renewal of the registration certificate.
- (3) If there is no property or liability of which particulars are required by any paragraph of sub-paragraph (1) of this paragraph, the application shall so state.
- (4) In this paragraph, “liability” includes a future or contingent liability.
- 7 (1) The application shall give, or shall incorporate a document annexed which gives, particulars of any premises not comprised in paragraph 5 of this Schedule, which have within the preceding twelve months been occupied and habitually used for the purposes of the club, and shall state the interest then held by or in trust for the club in those premises and, if it was a leasehold interest or if the club had no interest, the name and address of any person to whom payment was made of rent under the lease or otherwise for the use of the premises.
- (2) If there are no premises of which particulars are required by this paragraph, the application shall so state.
- 8 Where the interest held by or in trust for the club in any land of which particulars are required by paragraph 5, 6 or 7 of this Schedule is or was a leasehold interest, and the rent under the lease is not or was not paid by the club or the trustees for the club, the application shall state the name and address of the person by whom it is or was paid.

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## SCHEDULE 6

### PROCEDURE ON APPLICATIONS AND COMPLAINTS RELATING TO REGISTRATION CERTIFICATES

#### PART I

##### ISSUE, RENEWAL AND SURRENDER OF REGISTRATION CERTIFICATES

###### *Applications, etc.*

- 1 (1) An application by a club for the issue, renewal or variation of a registration certificate shall be made by lodging the application, together with the number of additional copies required under paragraph 4 of this Schedule, with the clerk to the justices.
- (2) The court may, on such conditions as the court thinks fit, allow such an application to be amended.
- (3) An amended application shall be made by lodging with the clerk to the justices the original application or the relevant parts of it altered so as to show the amendments, together with the number of additional copies required under paragraph 4 of this Schedule.
- 2 A registration certificate shall be surrendered by lodging with the clerk to the justices a notice of surrender, together with the certificate and such number of additional copies of the notice as is required under paragraph 4 of this Schedule.
- 3 (1) Any such application or amended application and any such notice shall be signed by the chairman or by the secretary of the club.
- (2) In the absence of objection the court shall not require proof that an application or amended application purporting to be so signed is duly signed.
- 4 On receipt of any such application or amended application or of any such notice the clerk to the justices shall forthwith send a copy to any chief officer of police concerned and to the clerk of any local authority concerned, and the number of additional copies required to be lodged with the clerk is the number necessary to provide the copies the clerk needs for this purpose.
- 5 A club applying for the issue of a registration certificate for any premises, or for the renewal of a registration certificate in respect of different, additional or enlarged premises, shall give public notice of the application (identifying those premises and giving the name and address of the club) either—
  - (a) by displaying the notice on or near the premises, in a place where it can conveniently be read by the public, for the seven days beginning with the date of the application; or
  - (b) by advertisement on one at least of those days in a newspaper circulating in the place where the premises are situated.

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*Objections, etc.*

- 6 (1) Subject to sub-paragraph (2) of this paragraph, an objection to an application for the issue or renewal of a registration certificate shall be made by lodging with the clerk to the justices two copies in writing of the objection not later than twenty-eight days after the making of the application or, if the application is amended, after the making of the amended application.
- (2) If a magistrates' court extends the time allowed under section 45 of this Act to the chief officer of police, fire authority or local authority for inspecting premises to which the application relates, that court shall also extend the time in which the chief officer or authority may make objections to the application.
- 7 On receipt of an objection to an application for the issue or renewal of a registration certificate the clerk to the justices shall forthwith send a copy to the person signing the application at any address furnished by him for communications relating to the application or, in default of such an address, at the address given in the application as that of the club.
- 8 Paragraphs 6 and 7 of this Schedule shall apply in relation to any notice of intention, on an application for the issue, renewal or variation of a registration certificate, to make representations as to conditions relating to the sale of intoxicating liquor as they apply to objections to an application for the issue or renewal of a registration certificate (with the substitution of references to giving the notice for references to making the objection).
- 9 Where any such objection is made or any such notice is given, the magistrates' court may make such order as it thinks just and reasonable for the payment of costs to the club by the person making the objection or giving the notice or by the club to that person; and for purposes of enforcement the order shall be treated as an order for the payment of a sum enforceable as a civil debt.
- 10 Where a club applies for a renewal of a registration certificate and the magistrates' court under paragraph 6(2) of this Schedule extends the time for any person to make objection to the application, the court may order that the certificate to be renewed shall not continue in force by virtue of section 40(5) of this Act beyond a date specified in the order.
- 11 (1) Subject to sub-paragraph (2) of this paragraph, an objection to an application for the issue or renewal of a registration certificate shall specify the ground of objection with such particulars as are sufficient to indicate the matters relied on to make it out.
- (2) Where objection is made to an application for the issue or renewal of a registration certificate on the ground that the application does not give the information required by this Act, or the information is incomplete or inaccurate, or the application is otherwise not in conformity with this Act, it shall be sufficient for the objection to state the ground as a matter of suspicion, and to indicate the reasons for the suspicion.
- 12 Where, on an objection to an application for the issue or renewal of a registration certificate, there appears to the court to be good reason to suspect that the application does not give the information required by this Act, or that the information is incomplete or inaccurate, or the application is otherwise not in conformity with this Act, it shall be for the applicant to satisfy the court that



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the ground of objection cannot be made out, unless the applicant desires and is permitted to amend the application so as to remove the ground of objection.

## PART II

### COMPLAINT FOR CANCELLATION OR VARIATION OF REGISTRATION CERTIFICATE

- 13 (1) A summons issued on a complaint made against a club for the cancellation or variation of a registration certificate shall be served on the chairman or secretary of the club or the person who signed the last application for the issue or renewal of the certificate, and that service shall be treated as service on the club.
- (2) Any such summons shall, in addition to being served on the club, be served on such persons, if any, as the justices issuing the summons may direct.
- 14 Where it appears to a magistrates' court having jurisdiction to deal with any such complaint that the summons cannot be served on the club in accordance with paragraph 13 of this Schedule, or not without undue difficulty or delay, the court may order that service on the club may be effected by serving the summons on a person named in the order, being a person who appears to the court to have, or to have had, an interest in the club, or to be, or to have been, an officer of the club.
- 15 A complaint may be made against a club for the cancellation of a registration certificate on the ground that the club has not twenty-five members, notwithstanding that the complainant's case is that the club does not exist.

## PART III

### GENERAL

- 16 (1) A magistrates' court may deal with an application by a club for the issue, variation or renewal of a registration certificate without hearing the club, but—
- before refusing such an application, or renewing a registration certificate for a shorter time than is requested in the application, shall give the club an opportunity to be heard; and
  - before renewing a registration certificate for a longer period than one year, may invite any chief officer of police or local authority concerned to make representations.
- (2) In relation to any such application [<sup>F8</sup>subsections (1) and (3) of section 97 and section 121 of the <sup>M2</sup>Magistrates' Courts Act 1980] shall apply as they apply in relation to a complaint.

#### Textual Amendments

**F8** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\), s. 154, Sch. 7 para. 50\(a\)](#)

#### Marginal Citations

**M2** [1980 c. 43 \(82\)](#).

- 17 On any application or complaint made to a magistrates' court by or against a club under Part II of this Act, and on any appeal by a club under section 50 of this Act,

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the club, if not represented by counsel or a solicitor, shall be heard by the chairman or secretary, by any member of the committee having the general management of the affairs of the club or by any officer of the club duly authorised.

- 18 This Schedule, in so far as it relates to matters about which there is power to make rules under [<sup>F9</sup>section 144 of the Magistrates' Courts Act 1980, shall have effect subject to any rules so made and to any rules made under section 15 of the Justices of the <sup>M3</sup>Peace Act 1949 (which was re-enacted in the said section 144) after 3rd August 1961].

**Textual Amendments**

**F9** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\), s. 154, Sch. 7 para. 50\(b\)](#)

**Marginal Citations**

**M3** [1949 c. 101 \(82\)](#).

## SCHEDULE 7

### PROVISIONS AS TO CLUB RULES

#### *Management of club*

- 1 The affairs of the club, in matters not reserved for the club in general meeting or otherwise for the decision of the general body of members, must, under the rules, be managed by one or more elective committees; and one committee must be a general committee, charged with the general management of those affairs in matters not assigned to special committees.

#### *General meetings*

- 2 (1) There must, under the rules, be a general meeting of the club at least once in every year, and fifteen months must not elapse without a general meeting.
- (2) The general committee must be capable of summoning a general meeting at any time on reasonable notice.
- (3) Any members entitled to attend and vote at a general meeting must be capable of summoning one or requiring one to be summoned at any time on reasonable notice, if a specified number of them join to do so; and the number required must not be more than thirty nor more than one-fifth of the total number of the members so entitled.
- (4) At a general meeting the voting must be confined to members, and all members entitled to use the club premises must be entitled to vote, and must have equal voting rights, except that—
- (a) the rules may exclude from voting, either generally or on particular matters, members below a specified age (not greater than twenty-one), women if the club is primarily a men's club, and men if the club is primarily a women's club, and
  - (b) if the club is primarily a club for persons qualified by service or past service, or by any particular service or past service, in Her Majesty's forces, the

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rules may exclude persons not qualified from voting, either generally or on particular matters; and

- (c) if the rules make special provision for family membership or family subscriptions or any similar provision, the rules may exclude from voting, either generally or on particular matters, all or any of the persons taking the benefit of that provision as being members of a person's family, other than that person.

#### *Membership*

- 3 (1) Ordinary members must, under the rules, be elected either by the club in general meeting or by an elective committee, or by an elective committee with other members of the club added to it for the purpose; and the name and address of any person proposed for election must, for not less than two days before the election, be prominently displayed in the club premises or principal club premises in a part frequented by the members.
- (2) The rules must not make any such provision for the admission of persons to membership otherwise than as ordinary members (or in accordance with the rules required for ordinary members by sub-paragraph (1) of this paragraph) as is likely to result in the number of members so admitted being significant in proportion to the total membership.

#### *Meaning of "elective committee"*

- 4 (1) In this Schedule "elective committee" means, subject to the following provisions of this paragraph, a committee consisting of members of the club who are elected to the committee by the club in accordance with sub-paragraph (2) of this paragraph for a period of not less than one year nor more than five years; and paragraph 2(4) of this Schedule shall apply to voting at the election as it applies to voting at general meetings.
- (2) Elections to the committee must be held annually, and if all the elected members do not go out of office in every year, there must be fixed rules for determining those that are to; and all members of the club entitled to vote at the election and of not less than two years' standing, must be equally capable of being elected (subject only to any provision made for nomination by members of the club and to any provision prohibiting or restricting re-election) and, if nomination is required, must have equal rights to nominate persons for election.
- (3) Except in the case of a committee with less than four members, or of a committee concerned with the purchase for the club or with the supply by the club of intoxicating liquor, a committee of which not less than two-thirds of the members are members of the club elected to the committee in accordance with sub-paragraphs (1) and (2) of this paragraph shall be treated as an elective committee.
- (4) A sub-committee of an elective committee shall also be treated as an elective committee if its members are appointed by the committee and not less than two-thirds of them (or, in the case of a sub-committee having less than four members, or concerned with the purchase for the club or with the supply by the club of intoxicating liquor, all of them) are members of the committee elected to the committee in accordance with sub-paragraphs (1) and (2) of this paragraph who go out of office in the sub-committee on ceasing to be members of the committee.

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(5) For the purposes of this paragraph a person who on a casual vacancy is appointed to fill the place of a member of an elective committee for the remainder of his term and no longer shall, however appointed, be treated as elected in accordance with subparagraphs (1) and (2) of this paragraph if the person whose place he fills was so elected or is to be treated as having been so elected.

SCHEDULE 8

POLLS IN WALES AND MONMOUTHSHIRE

[<sup>F10</sup>1 Subject to paragraph 3 below, the rules made by the Secretary of State under [<sup>F11</sup>section 36 of the Representation of the <sup>M4</sup>People Act 1983] for the conduct of elections of councillors for local government areas shall have effect in their application to polls under section 66 of this Act subject to such adaptations, alterations and exceptions as seem appropriate to the Secretary of State.]

**Textual Amendments**

**F10** Paras. 1—3 substituted by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), **Sch. 25 para. 8(1)**

**F11** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), **Sch. 8 para. 10(a)**

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**Marginal Citations**

**M4** [1983 c. 2 \(42\)](#).

2 Subsections (1) and (3) of section 243 of the <sup>M5</sup>Local Government Act 1972 shall apply to the day fixed for the poll under section 66 of this Act as they have effect by virtue of paragraph 1 above and to the day or last day on which anything is required or permitted to be done by this Schedule as they apply to the day or the last day on which anything is required or permitted to be done by any provision to which the said subsection (1) applies, and references in subsections (4) and (5) of that section to any rules mentioned in subsection (2) of that section shall be construed as including references to any such rules as they have effect by virtue of paragraph 1 above.

**Marginal Citations**

**M5** [1972 c. 70 \(81:1\)](#).

3 The adaptations and alterations made by the Secretary of State under paragraph 1 above shall provide for the use, subject to any variations which in the circumstances appear to the Secretary of State to be appropriate, of the forms B to E in the Appendix to this Schedule, or of forms substantially to the like effect, in place of any corresponding forms required by the rules referred to in paragraph 1 above.

4 ..... <sup>F12</sup>

**Textual Amendments**

**F12** Sch. 8 para. 4 repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), **Sch. 30**

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- 5 (1) Regulations made under <sup>F13</sup>section 53 of the Representation of the <sup>M6</sup>People Act 1983] may, so far as they relate to voting by proxy or by post or to matters connected therewith, make special provision in connection with polls under section 66 of this Act; but subject to any such provision the regulations shall apply—
- (a) with the omission of any passage relating to candidates or their agents or to other matters not relevant to such a poll; and
  - (b) with the substitution for any reference to the last day for the delivery of nomination papers of a reference to the last day for delivery of requisition papers under section 66 of this Act; and
  - (c) as if any provision requiring <sup>F13</sup>section 66(4) of the Representation of the <sup>M7</sup>People Act 1983] to be read to <sup>F14</sup>or by] a person making a declaration of secrecy required it to be read with the modification provided for by section 67(5)(i) of this Act;
- and any form prescribed by any such regulations in connection with voting by proxy or by post shall be used with such modifications (if any) as may be approved by the Secretary of State as necessary to adapt it for the purposes of a poll under section 66 of this Act.
- (2) If the date for the poll is altered after any postal ballot papers have been issued, then—
- (a) on any later issue the covering envelopes enclosed for the return of declarations of identity and ballot papers shall be readily distinguishable from those enclosed on the previous issue (that is to say, the issue before the alteration of the date), and there shall be enclosed a notice calling attention to the change of date and stating that documents sent out on the previous issue are not to be used;
  - (b) any covering envelopes of the previous issue sent to the returning officer shall on receipt be dealt with in the same way as covering envelopes of later issues, but, on the opening of the ballot boxes provided for covering envelopes, those of the previous issue shall be marked “rejected”, shall be set aside unopened, and thereafter shall be dealt with in the same way as other rejected votes;
  - (c) save as aforesaid, the previous issue shall be disregarded for all purposes.

#### Textual Amendments

**F13** Words substituted by Representation of the People Act 1983 (c. 2, SIF 42), Sch. 8 para. 10(b)

**F14** Words inserted by Representation of the People Act 1969 (c. 15), s. 24(2) and saved by Representation of the People Act 1983 (c. 2, SIF 42), Sch. 7 para. 4

#### Marginal Citations

**M6** 1983 c. 2 (42).

**M7** 1983 c. 2 (42).

- 6.—(1) . . . . . <sup>F15</sup> the <sup>F16</sup> . . . returning officer, . . . <sup>F15</sup> may make arrangements for the votes to be counted not by electoral areas, but for the <sup>F17</sup>county or county borough] . . . <sup>F15</sup> as a whole or by such divisions of it as he thinks most convenient, and where arrangements are so made, the counting for the <sup>F17</sup>county or (as the case may be) county borough] . . . <sup>F15</sup> as a whole or for each division of it, as the case may be, shall be carried out as it would be if that were the electoral area for which an election were being held, . . . <sup>F15</sup>.

*Status: Point in time view as at 01/02/1998.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)*

- (2) Where the votes are counted otherwise than for the [F18 county or county borough] . . . F15 as a whole, then on the completion of the counting or any recount for an electoral area or other division the person acting as returning officer for the purpose (if he is not the F19 . . . returning officer . . . F15 shall forthwith notify the county returning officer . . . F15 of the number of votes counted on either side, but no other step shall be taken (except proper steps for the security of the ballot papers and other documents) unless or until it is ascertained that there is not to be a recount or further recount.
- (3) Where it appears to the F20 . . . returning officer . . . F15 on the completion of the counting for the whole [F21 county or county borough] . . . F15 that the number of votes counted does not show a majority of more than one hundred for either side, he shall cause the votes to be re-counted and, if the decision on the poll according to the recount would differ from the decision according to the original count, to be again re-counted, and the recount or, if there is one, second recount shall be treated as determining the number of votes cast on either side.
- (4) The number of votes cast on either side shall in a [F22 county or county borough] be notified by the F23 . . . returning officer to the chairman of the [F22 county council or (as the case may be) county borough council].

#### Textual Amendments

- F15** Words repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [Sch. 30](#)
- F16** Word in Sch. 8 para. 6(1) repealed (1.4.1996) by [1994 c. 19, s. 66\(6\)\(8\)](#), [Sch. 16 para. 22\(7\)\(a\)](#), [Sch. 18](#)(with ss. 54(5)(7), 55(5)); [S.I. 1996/396, art. 4](#), [Sch. 2](#)
- F17** Words in Sch. 8 para. 6(1) substituted (1.4.1996) by [1994 c. 19, s. 66\(6\)](#), [Sch. 16 para. 22\(7\)\(a\)](#)(with ss. 54(5)(7), 55(5)); [S.I. 1996/396, art. 4](#), [Sch. 2](#)
- F18** Words in Sch. 8 para. 6(2) substituted (1.4.1996) by [1994 c. 19, s. 66\(6\)](#), [Sch. 16 para. 22\(7\)\(b\)](#)(with ss. 54(5)(7)); [S.I. 1996/396, art. 4](#), [Sch. 2](#)
- F19** Words in Sch. 8 para. 6(2) repealed (1.4.1996) by [1994 c. 19, s. 66\(6\)\(8\)](#), [Sch. 16 para. 22\(7\)\(b\)](#), [Sch. 18](#)(with ss. 54(5)(7), 55(5)); [S.I. 1996/396, art. 4](#), [Sch. 2](#)
- F20** Word in Sch. 8 para. 6(3) repealed (1.4.1996) by [1994 c. 19, s. 66\(6\)\(8\)](#), [Sch. 16 para. 22\(7\)\(c\)](#), [Sch. 18](#)(with ss. 54(5)(7)); [S.I. 1996/396, art. 4](#), [Sch. 2](#)
- F21** Words in Sch. 8 para. 6(3) substituted (1.4.1996) by [1994 c. 19, s. 66\(6\)](#), [Sch. 16 para. 22\(7\)\(c\)](#)(with ss. 54(5)(7), 55(5)); [S.I. 1996/396, art. 4](#), [Sch. 2](#)
- F22** Words in Sch. 8 para. 6(4) substituted (1.4.1996) by [1994 c. 19, s. 66\(6\)](#), [Sch. 16 para. 22\(7\)\(d\)](#)(with ss. 54(5)(7), 55(5)); [S.I. 1996/396, art. 4](#), [Sch. 2](#)
- F23** Word in Sch. 8 para. 6(4) repealed (1.4.1996) by [1994 c. 19, s. 66\(6\)\(8\)](#), [Sch. 16 para. 22\(7\)\(d\)](#), [Sch. 18](#)(with ss. 54(5)(7), 55(5)); [S.I. 1996/396, art. 4](#), [Sch. 2](#)

- 7 (1) At a poll in a [F24 county or county borough] . . . F25 any local government elector for the [F24 county or (as the case may be) county borough] . . . F25 may claim to attend the counting of the votes as an observer, by giving to the F26 . . . returning officer . . . F25 within seven days of the end of the period allowed for delivering requisition papers a written notice signed by the elector and stating his address, and subject to subparagraph (2) of this paragraph he shall then have the same rights and obligations and be in all respects in the same position (as nearly as may be) in relation to the counting as a counting agent appointed by a candidate at an election of a [F24 councillor of the county or (as the case may be) county borough] . . . F25 except that his agreement shall not be required to any interruption of the counting.

*Status: Point in time view as at 01/02/1998.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)*

- (2) There shall not be allowed to attend the counting of the votes at any place a greater number of observers under this paragraph than the number of clerks employed there in the counting, or any observer not duly notified of the time and place of counting; and the persons to be allowed to attend as observers in any case shall be designated by the <sup>F27</sup> . . . returning officer . . . <sup>F25</sup>
- (3) Where on any poll a greater number of persons claim to attend the counting as observers than is allowed under sub-paragraph (2) of this paragraph, the <sup>F27</sup> . . . returning officer . . . <sup>F25</sup> in choosing between them shall have regard to their opinions about Sunday opening (if known to him) with the aim of designating, as far as he can, those for and those against Sunday opening in equal numbers.
- (4) A local government elector may in like manner claim to attend the proceedings on the issue and receipt of postal ballot papers, as well as or instead of the counting of the votes, and the foregoing sub-paragraphs shall apply with the necessary modifications of the references to the counting or to a counting agent; but the number to be allowed to attend on any occasion shall be restricted to such number as the <sup>F27</sup> . . . returning officer . . . <sup>F25</sup> may decide to be reasonable in the circumstances.

#### Textual Amendments

- F24** Words in Sch. 8 para. 7(1) substituted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 22(8)(a)**(with ss. 54(5)(7), 55(5)); S.I. 1996/396, art. 4, **Sch. 2**
- F25** Words repealed by **Local Government Act 1972 (c. 70, SIF 81:1)**, **Sch. 30**
- F26** Word in Sch. 8 para. 7(1) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 22(8)(a), **Sch. 18**(with ss. 54(5)(7), 55(5)); S.I. 1996/396, art. 4, **Sch. 2**
- F27** Words in Sch. 8 para. 7(2)-(4) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 22(8)(b), **Sch. 18**(with ss. 54(5)(7), 55(5)); S.I. 1996/396, art. 4, **Sch. 2**

- (<sup>F28</sup>7A) In paragraphs 6 and 7 above “returning officer”, in relation to a county or county borough, means the returning officer for elections of councillors of the county or county borough.]

#### Textual Amendments

- F28** Sch. 8 para. (7A) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 22(9)**(with ss. 55(5)(7), 55(5)); S.I. 1996/396, art. 4, **Sch. 2**

## APPENDIX OF FORMS

### A.

#### FORM OF REQUISITION PAPER

We, the subscribers hereto, being local government electors for the [<sup>F29</sup>county/county borough of]] do hereby demand a poll under section 66 of the <sup>M8</sup>Licensing Act 1964 on the question whether licensed premises in the [<sup>F30</sup>district] should open on Sundays for the sale of intoxicating liquor.

*Status: Point in time view as at 01/02/1998.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)*

**Textual Amendments**

- F29** Words in Sch. 8 Appendix, Form A substituted (1.4.1996) by virtue of 1994 c. 19, s. 66(6), **Sch. 16 para. 22(10)(a)**(with ss. 54(5)(7), 55(5)); S.I. 1996/396, **art. 4 Sch. 2**
- F30** Words substituted by **Local Government Act 1972 (c. 70, SIF 81:1)**, **Sch. 25 para. 9(1)**

**Marginal Citations**

- M8** 1964 c. 26 (68A:1).

| Signature | Name in full | Qualifying address on register of local government electors | No. on register (including distinctive letter of parliamentary polling district) |
|-----------|--------------|---|--|
|-----------|--------------|---|--|

**B.**

*FORM OF, AND DIRECTIONS FOR PRINTING, BALLOT PAPER*

*(a)*

*Front of ballot paper*

Are you for or against the opening of licensed premises in the [<sup>F31</sup>[county/county borough of]] on Sundays for the sale of intoxicating liquor?

**Textual Amendments**

- F31** Words in Sch. 8 Appendix, Form B substituted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 22(10)(b)**(with ss. 54(5)(7), 55(5)); S.I. 1996/396, **art. 4, Sch. 2**

FOR Sunday opening

AGAINST Sunday opening

*(b)*

*Back of ballot paper*

No.

Ballot on Sunday opening of licensed premises in the [<sup>F32</sup>[county/county borough of]] the day of , 19 .



*Status: Point in time view as at 01/02/1998.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)*

### Textual Amendments

**F32** Words in Sch. 8, Appendix Form B substituted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 22(10)(b)**(with ss. 54(5)(7), 55(5)); S.I. 1996/396, art. 4, **Sch. 2**

(c)

#### *Directions for printing ballot paper*

- 1 Nothing is to be printed on the ballot paper except in accordance with these directions, and in so far as practicable—
  - (a) no word shall be printed on the face, except as provided by the form given above;
  - (b) no rule shall be printed on the face except the rules separating from one another the words “FOR Sunday opening”, the words “AGAINST Sunday opening” and the corresponding spaces for the vote to be marked.
- 2 The number on the back of the ballot paper is to correspond with that on the counterfoil, and shall be printed in small characters.

C.

#### *Form of directions for the guidance of voters in voting*

- 1 The voter should see that the ballot paper, before it is handed to him, is stamped with the official mark.
- 2 The voter will go into one of the compartments and, with the pencil provided in the compartment, place a cross X on the right-hand side either in the space opposite the words “FOR Sunday opening”, if he wishes to vote that way, or in the space opposite the words “AGAINST Sunday opening”, if he wishes to vote that way.
- 3 The voter will then fold up the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then, in the presence of the presiding officer, put the paper into the ballot box, and forthwith leave the polling station.
- 4 If the voter inadvertently spoils a ballot paper he can return it to the officer who will, if satisfied of such inadvertence, give him another paper.
- 5 If the voter places any mark on the paper by which he may afterwards be identified, his ballot paper will be void and will not be counted.
- 6 If the voter fraudulently takes a ballot paper out of a polling station or fraudulently puts into the ballot box any paper other than the one given to him by the officer, he will be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding twenty pounds or to both such imprisonment and such fine.

*Status: Point in time view as at 01/02/1998.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)*

## D.

### FORM OF DECLARATION TO BE MADE BY THE COMPANION OF A BLIND PERSON

I, A.B., of , having been requested to assist C.D. (in the case of a blind person voting as proxy add “voting as proxy for M.N.”) who is numbered on the register of local government electors for the . . . <sup>F33</sup> [<sup>F34</sup>[division of the county/county borough of]] ] to record his vote at the poll now being held under the <sup>M9</sup>Licensing Act 1964 in the [<sup>F34</sup>said [county/county borough]], do hereby declare that [I am entitled to vote as an elector at this poll] [I am the (state relationship) of the said voter and have attained the age of [<sup>F35</sup>eighteen]], and that I have not previously assisted any blind person [except E.F., of ], to vote at this poll.

#### Textual Amendments

**F33** Words repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [Sch. 30](#)

**F34** Words in Sch. 8 Appendix, Form D substituted (1.4.1996) by [1994 c. 19, s. 66\(6\)](#), [Sch. 16 para. 22\(10\) \(d\)](#)(with ss. 54(5)(7), 55(5)); [S.I. 1996/396, art. 4](#), [Sch. 2](#)

**F35** Words inserted by [Representation of the People Act 1969 \(c. 15\)](#), [s. 24\(2\)](#) and saved by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), [Sch. 7 para. 4](#)

#### Marginal Citations

**M9** [1964 c. 26](#).

(Signed), A.B.

day of , 19 .

I, the undersigned, being the presiding officer for the polling station for the . . . <sup>F33</sup> [<sup>F34</sup>[division of the county/county borough of]] ], do hereby certify that the above declaration, having been first read to the above named declarant, was signed by the declarant in my presence.

(Signed), G.H.

day of , 19 .

at minutes past o'clock.

[a.m.] [p.m.]

Note.—If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.

## E.

### QUESTIONS WHICH MAY BE PUT TO VOTERS

(a)In the case of a person applying for a ballot paper as an elector—

(i)are you the person registered in the register of local government electors now in force as follows (read the whole entry from the register)?

(ii)have you already voted at the present poll here or elsewhere in the [<sup>F36</sup>[county/county borough of]], otherwise than as proxy for some other person?

*Status: Point in time view as at 01/02/1998.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)*

#### Textual Amendments

**F36** Words in Sch. 8 Appendix, Form E substituted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 22(10)(d)**(with ss. 54(5)(7), 55(5)); S.I. 1996/396, art. 4, **Sch. 2**

(b) In the case of a person applying for a ballot paper as proxy—

(i) are you the person whose name appears as A.B. in the list of proxies for this poll as entitled to vote as proxy on behalf of C.D.?

(ii) have you already voted at the present poll here or elsewhere in the [<sup>F36</sup>[county/county borough of]] as proxy on behalf of C.D.

### [<sup>F37</sup>SCHEDULE 8A

Sections 67A and 67C.

#### PROCEDURE FOR MAKING, VARYING OR REVOKING RESTRICTION ORDERS

#### Textual Amendments

**F37** Sch. 8A inserted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 3(4)

### PART I

#### APPLICATIONS TO LICENSING JUSTICES

##### *Notice of application*

- 1 (1) A person intending to apply to licensing justices for the making, variation or revocation of a restriction order with respect to any premises or part of any premises shall give notice of his intention to the clerk to the licensing justices and—
  - (a) in the case of an application for the making of an order, to the appropriate person in relation to the premises; and
  - (b) in the case of an application for the variation or revocation of an order—
    - (i) to the chief office of police; and
    - (ii) subject to sub-paragraph (3) below, to the person or, if more than one, each of the persons on whose application the order was made.
- (2) The reference in sub-paragraph (1) above to the person or persons on whose application a restriction order was made is, in relation to any person who applied by virtue of a position held by him, a reference to the holder for the time being of that position.
- (3) Notice under this paragraph in the case of an application for the variation or revocation of a restriction order is not required to be given to a person on whose application the order was made if that person is no longer entitled to apply for the making of a restriction order with respect to the premises or, if he applied by virtue of a position held by him, it is not a position which is any longer held in the

*Status: Point in time view as at 01/02/1998.*

*Changes to legislation: There are currently no known outstanding effects  
for the Licensing Act 1964 (repealed). (See end of Document for details)*

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neighbourhood; and the obligation to give a person notice is discharged by giving it to him at his last known address.

- (4) Notice under this paragraph shall be in writing and specify in general terms the grounds of the application.
- (5) Notice under this paragraph shall be given not later than 21 days before the commencement of the licensing sessions at which the application is to be made.
- (6) Licensing justices shall not hear an application for the making, variation or revocation of a restriction order unless notice under this paragraph has been duly given.
- (7) For the purposes of this paragraph, the following person is the appropriate person in relation to the following premises—
  - (a) in the case of a theatre, the proprietor;
  - (b) in the case of any other licensed premises, the holder of the justices' licence; and
  - (c) in the case of premises for which a canteen licence is in force, the holder of the canteen licence.

*Objections to applications for variation or revocation*

- 2 (1) A person intending to oppose an application to licensing justices for the variation or revocation of a restriction order shall give notice of his intention to the applicant.
- (2) Notice under this paragraph shall be in writing and specify in general terms the grounds of the opposition.
- (3) Notice under this paragraph shall be given not later than 7 days before the commencement of the licensing sessions at which the application is to be made.
- (4) Except as provided by sub-paragraph (5) below, licensing justices shall not entertain an objection unless notice under this paragraph has been duly given.
- (5) Where an objection of which notice under this paragraph has not been duly given is made to an application, the justices may adjourn consideration of the application to a day which they shall notify to the applicant and the objector and on that day the justices shall hear the application and the objection as if notice under this paragraph had been duly given.

*Evidence*

- 3 Evidence given on an application to licensing justices for the making, variation or revocation of a restriction order shall be given on oath.

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*Status: Point in time view as at 01/02/1998.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)*

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## PART II

### APPLICATIONS TO MAGISTRATES' COURTS

#### *Notice of application*

- 4 (1) A magistrates' court shall not hear an application for the making, variation or revocation of a restriction order with respect to any premises unless satisfied that the applicant has given at least 21 days' notice of his intention to the following persons in accordance with this paragraph.
- (2) The persons referred to are the clerk to the justices and—
- (a) in the case of an application for the making of an order, the secretary of the club which is registered in respect of the premises to which the application relates; and
  - (b) in the case of an application for the variation or revocation of an order—
    - (i) the chief officer of police; and
    - (ii) subject to sub-paragraph (4) below, the person or, if more than one, each of the persons on whose application the order was made.
- (3) The reference in sub-paragraph (2) above to the person or persons on whose application a restriction order was made is, in relation to any person who applied by virtue of a position held by him, a reference to the holder for the time being of that position.
- (4) Notice under this paragraph in the case of an application for the variation or revocation of a restriction order is not required to be given to a person on whose application the order was made if that person is no longer entitled to apply for the making of a restriction order with respect to the premises or, if he applied by virtue of a position held by him, it is not a position which is any longer held in the neighbourhood; and the obligation to give a person notice is discharged by giving it to him at his last known address.
- (5) Notice under this paragraph shall be in writing and specify in general terms the grounds of the application.

#### *Objections to applications for variation or revocation*

- 5 (1) A person intending to oppose an application to a magistrates' court for the variation or revocation of a restriction order shall give at least 7 days' notice of his intention to the applicant.
- (2) Notice under this paragraph shall be in writing and specify in general terms the grounds of the opposition.
- (3) Except as provided by sub-paragraph (4) below, a magistrates' court shall not entertain an objection unless notice under this paragraph has been duly given.
- (4) Where an objection of which notice under this paragraph has not been duly given is made to an application, the magistrates' court may adjourn consideration of the application to a day which it shall notify to the applicant and the objector and shall on that day hear the application and the objection as if notice of the objection had been duly given.]

*Status: Point in time view as at 01/02/1998.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)*

VALID FROM 29/07/1999

[<sup>F38</sup>SCHEDULE 8B

Section 83A]

MILLENNIUM LICENSING HOURS

**Textual Amendments**

**F38** Sch. 8B inserted (29.7.1999) by S.I. 1999/2137, art. 3

SCHEDULE 9

... <sup>F39</sup>

**Textual Amendments**

**F39** Sch. 9 repealed by S.I. 1979/977, art. 2 Sch.

SCHEDULE 10

COMMITTEE FOR NEW TOWN

**Modifications etc. (not altering text)**

**C1** Sch. 10: functions transferred (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

- 1 (1) Subject to sub-paragraph (2) of this paragraph, a committee appointed under section 108 of this Act shall consist of—
- (a) a chairman appointed by the Secretary of State as being an independent person;
  - (b) members appointed by the development corporation for the new town for which the committee is constituted, or, if the committee is constituted for two new towns, by the development corporations for those new towns in such proportions as the Secretary of State may by order specify;
  - (c) members appointed from among their number by the licensing justices for the licensing district in which is situated the area for which the committee is constituted, or, if that area is situated in more than one licensing district, by the licensing justices for those districts in such proportions as the Secretary of State may by order specify.

*Status: Point in time view as at 01/02/1998.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)*

- (2) Where the area for which a committee is constituted comprises part only of a licensing district, and it appears to the Secretary of State that, by reason of the small extent of that part of the district and having regard to its nature, the licensing justices have insufficient interest in the working of the committee to justify their representation on it, it shall not be necessary for the committee to include any licensing justice for that district.
- [<sup>F40</sup>(1A) Sub-paragraph (1) above shall have effect, in a case where the Development Board for Rural Wales is responsible under the <sup>M10</sup>Development of Rural Wales Act 1976 for the development of the new town or (where the committee is constituted for two new towns) for the development of one or both of the new towns, in accordance with the following provisions, that is to say—
- (a) where the committee is constituted for one new town for which the Board is responsible, sub-paragraph (1)(b) above shall apply as if the Board were the development corporation for that town;
  - (b) where the committee is constituted for two new towns for both of which the Board is responsible, sub-paragraph (1)(b) above shall apply as if the two towns were one town and the Board were the development corporation for that town;
  - (c) where the committee is constituted for two new towns for one of which the Board is responsible, sub-paragraph (1)(b) above shall apply as if the Board were the development corporation for that town.]

#### Textual Amendments

**F40** Para. (1A) inserted by [Development of Rural Wales Act 1976 \(c. 75, SIF 64\)](#), [Sch. 7 para. 3](#)

#### Marginal Citations

**M10** [1976 c. 75 \(64\)](#).

- 2 The members of a committee appointed under sub-paragraphs (b) and (c) of paragraph 1 of this Schedule shall be equal in number; but subject thereto the number of members shall be determined by order of the Secretary of State.
- 3 The appointment of a member of any such committee shall be for such term, not exceeding three years, as may be determined by or under an order of the Secretary of State, with or without eligibility for reappointment, as may be so determined, and shall be subject to such conditions as may be so determined.
- 4 The quorum of any such committee shall be such as the Secretary of State may by order determine.
- 5 If the votes are equal on any question the chairman shall have a casting vote; but subject thereto the chairman shall not vote.
- 6 Subject to paragraphs 4 and 5 of this Schedule, the procedure of any such committee shall be such as the committee may determine.
- 7 The proceedings of any such committee shall not be invalidated by reason of any vacancy in the committee or any defect in the appointment of a member of the committee.

*Status: Point in time view as at 01/02/1998.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)*

## SCHEDULE 11

### LICENSING PLANNING COMMITTEES

#### **Modifications etc. (not altering text)**

- C2** References to administrative county of London to be construed as references to Metropolis and references to county of London or London as references to inner London area: [Administration of Justice Act 1964 \(c. 42\), Sch. 3 Pt. II para. 31\(5\)](#)
- C3** [Sch. 11](#): functions transferred (1.7.1999) by [S.I. 1999/672, art. 2, Sch. 1](#)

#### *General provisions*

- 1 A licensing planning committee shall consist of—
- (a) a chairman appointed by the Secretary of State;
  - (b) members appointed from among their number by the licensing justices having jurisdiction in the area;
  - (c) members appointed by the local planning authorities having jurisdiction in the area.
- 2 (1) The members of a licensing planning committee appointed under sub-paragraphs (b) and (c) of paragraph 1 of this Schedule shall be equal in number; but subject thereto the number of members of any such committee shall be determined by the order constituting the area.
- (2) Where there is more than one body of licensing justices or more than one local planning authority having jurisdiction in a licensing planning area, the order constituting the area shall specify how many members are to be appointed by each body of justices or local planning authority.
- 3 The appointment of a member of a licensing planning committee shall be for a term of three years, and shall be subject to such conditions as the Secretary of State may determine, except that a member appointed to fill a casual vacancy shall hold office only until the end of the term of office of the person in whose place he was appointed.
- 4 The provisions of paragraph 3 of this Schedule shall be subject to the termination of the appointment . . . <sup>F41</sup>, by the variation under section 120 of this Act of the licensing planning area or by the revocation under that section of the order constituting the area.

#### **Textual Amendments**

- F41** Words repealed by [Expiring Laws Continuance Act 1970 \(c. 58\), s. 1\(2\)](#)

- 5 If the votes are equal on any question the chairman shall have a casting vote; but subject thereto the chairman shall not vote.
- 6 The proceedings of a licensing planning committee shall not be invalidated by reason of any vacancy in the committee or any defect in the appointment of a member of the committee.



*Status: Point in time view as at 01/02/1998.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)*

- 7 The clerk to the licensing justices for the licensing district constituting or including the area, or, where the area includes the whole or part of two or more licensing districts, the clerk to the licensing justices for such one of those licensing districts as may be specified in the order, shall, by virtue of his office, be the secretary of the committee.
- 8 An order constituting a licensing planning area may provide—
- (a) for the appointment of sub-committees of the licensing planning committee for the area;
  - (b) for authorising or requiring such matters as the order may specify to be referred by the committee to those sub-committees.
- 9 Where an order under section 120 of this Act adds a licensing district or part of a licensing district to a licensing planning area, and the order provides for the appointment of additional members of the licensing planning committee by the licensing justices or a local planning authority having jurisdiction in the added district or part, the order may vary the provisions of the original order constituting the district so as to limit the right of the additional members to vote as members of the licensing planning committee to such matters relating to the added district or part of a district as the order may specify.
- 10 So far as any order makes any provision authorised by paragraph 8 or 9 of this Schedule, it may be varied or revoked by a subsequent order of the Secretary of State made after consultation with the licensing planning committee for the area in question.
- 11—16. . . . . F42

**Textual Amendments**

**F42** Sch. 11 paras. 11–16 repealed by [Greater London Council \(General Powers\) Act 1984 \(c. xxvii\), s. 42, Sch. 4 Pt. I](#)

SCHEDULE 12

APPLICATIONS FOR GRANT AND TRANSFER OF CANTEEN LICENCES

*Applications for grant of licences*

- 1 (1) A person proposing to apply for the grant of a canteen licence shall—
- (a) not less than twenty-one days before the hearing of the application, give notice in writing of the application to the clerk to the licensing justices and the chief officer of police, and serve both of them with a copy of—
    - (i) the certificate of the Minister of Transport; and
    - (ii) the draft rules which it is proposed to make as respects the persons entitled to use the canteen; and
    - (iii) a plan of the canteen and particulars of the means of access to the canteen and of the sanitary accommodation for persons using the canteen;

*Status: Point in time view as at 01/02/1998.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)*

- (b) not more than twenty-eight days before the hearing of the application, cause notice of the application to be kept affixed, between ten in the morning and five in the afternoon on two consecutive Sundays, to a conspicuous part of the premises comprising the canteen;
  - (c) not more than twenty-eight days nor less than fourteen days before the hearing of the application (and, if the licensing justices so require, on some day or days outside that period but within such other period as they may require) advertise notice of the application in a newspaper circulating in the area where the canteen is situated.
- (2) In the case of an application for the grant of a provisional licence—
- (a) the references in paragraph (a) of sub-paragraph (1) of this paragraph to the canteen shall be taken as references to the proposed canteen after the construction or conversion has been carried out; and
  - (b) the notice to be affixed in pursuance of paragraph (b) of that sub-paragraph shall be affixed to the premises on the land where the canteen is to be.
- 2 A notice under paragraph 1 of this Schedule shall state the kind of retailer's on-licence which is desired, the situation of the canteen and, except in the case of an application for a provisional licence, the name and address of the person who is to be the holder of the licence.

#### *Applications for transfers and confirmation of transfers*

- 3 A person proposing to apply to the licensing justices for the transfer or confirmation of the transfer of a canteen licence shall, not less than fourteen days before the hearing of the application, give notice in writing to the chief officer of police and the clerk to the licensing justices.
- 4 A person proposing to apply to justices of the peace for the transfer of a canteen licence shall, not less than seven days before the hearing of the application, give notice in writing to the chief officer of police.
- 5 A notice under paragraph 3 or paragraph 4 of this Schedule shall state the name and address of the person to whom the licence is proposed to be transferred and his trade or calling during the six months preceding the giving of the notice.

#### *General*

- 6 Where an applicant for the grant of a canteen licence or for the transfer or confirmation of the transfer of such a licence has, through inadvertence or misadventure, failed to comply with the requirements of the preceding paragraphs of this Schedule, the justices may, upon such terms as they think fit, postpone consideration of his application; and, if on the postponed consideration they are satisfied that any terms so imposed have been complied with, they may deal with the application as if the applicant had complied with the requirements of this Schedule.

*Status: Point in time view as at 01/02/1998.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)*

## [<sup>F43</sup>SCHEDULE 12A

### CHILDREN’S CERTIFICATES: SUPPLEMENTARY PROVISIONS

#### Textual Amendments

**F43** Sch. 12A inserted (3.1.1995) by 1994 c. 40, s. 19(3), Sch. 7: S.I. 1994/3188, art. 3

#### *Applications*

- 1 (1) Licensing justices shall not entertain an application for a children’s certificate unless the applicant has, at least 21 days before the commencement of the licensing sessions at which the application is to be made, given to the clerk to the justices and to the chief officer of police notice of his intention to make the application.
- (2) Notice under sub-paragraph (1) of this paragraph shall—
  - (a) be in writing and be signed by the applicant or his authorised agent, and
  - (b) state the situation of the premises where the area to which the application relates is to be found.
- (3) If the premises mentioned in sub-paragraph (2)(b) of this paragraph include a bar which is not included in the area to which the application relates, licensing justices may decline to entertain the application until the applicant has lodged a plan of the premises indicating the area to which the application relates.
- 2 (1) Where a chief officer of police wishes to oppose an application for a children’s certificate, he must give notice of his intention to do so to the applicant and to the clerk to the licensing justices at least 7 days before the commencement of the licensing sessions at which the application is to be made.
- (2) Notice under sub-paragraph (1) of this paragraph shall be in writing and specify in general terms the grounds of the opposition.

#### *Refusal*

- 3 Where licensing justices refuse an application for a children’s certificate, they shall specify their reasons in writing to the applicant.

#### *Conditions*

- 4 (1) It shall be a condition of the grant of a children’s certificate that meals and beverages other than intoxicating liquor are available for sale for consumption in the area to which the certificate relates at all times when the certificate is operational.
- (2) Licensing justices may impose such other conditions on the grant of a children’s certificate as they think fit.
- (3) Without prejudice to the generality of sub-paragraph (2) of this paragraph, conditions under that sub-paragraph may restrict the hours during which, or days on which, the certificate is operational.

*Status: Point in time view as at 01/02/1998.*

*Changes to legislation: There are currently no known outstanding effects  
for the Licensing Act 1964 (repealed). (See end of Document for details)*

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*When operational*

- 5 (1) Subject to any condition attached by the licensing justices and to sub-paragraph (2) of this paragraph, a children’s certificate shall be operational at any time up to nine in the evening.
- (2) Licensing justices may, in relation to a children’s certificate, approve a later time than nine in the evening as the time when the certificate ceases to be operational, and may do so either generally or for particular days or periods.
- (3) Licensing justices may only act under sub-paragraph (2) of this paragraph on the application of the appropriate person, but an approval under that provision need not correspond with the applicant’s proposals.
- (4) In sub-paragraph (3) of this paragraph, the reference to the appropriate person is—
- (a) in the case of an application with respect to an existing children’s certificate, to the holder of the justices’ licence for the licensed premises to which the certificate relates, and
  - (b) in the case of an application made in conjunction with an application for a children’s certificate, to the applicant for the certificate.

*Duration*

- 6 A children’s certificate shall remain in force until revoked.
- 7 (1) Licensing justices may, on their own motion or on application by the chief officer of police, revoke a children’s certificate if they are satisfied—
- (a) that the area to which the certificate relates does not constitute an environment in which it is suitable for persons under fourteen to be present, or
  - (b) that there has been a serious or persistent failure to comply with one or more conditions attached to the certificate.
- (2) When acting on their own motion, licensing justices may only revoke a children’s certificate if, at least 21 days before the commencement of the licensing sessions at which they propose to revoke the certificate, they have given notice of their intention to do so to the holder of the justices’ licence for the licensed premises to which the certificate relates.
- (3) When acting on application by the chief officer of police, licensing justices may only revoke a children’s certificate if, at least 21 days before the commencement of the licensing sessions at which the application is to be made, the chief officer of police has given—
- (a) to the clerk to the licensing justices, and
  - (b) to the holder of the justices’ licence for the licensed premises to which the certificate relates, notice of his intention to apply for the revocation of the certificate.
- (4) Notice under sub-paragraph (2) or (3) of this paragraph shall be in writing and specify in general terms the grounds for the proposed revocation.

*Status: Point in time view as at 01/02/1998.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)*

- 8 If the holder of the justices' licence for the licensed premises to which a children's certificate relates gives—
- (a) to the clerk to the licensing justices, and
  - (b) to the chief officer of police,
- at least fourteen days notice in writing of a day on which he wishes the certificate to cease to be in force, it shall be treated as revoked on that day.
- 9 A children's certificate shall be treated as revoked on the day on which the area to which it relates ceases to be comprised in premises for which a justices' licence is in force.

#### *Appeals*

- 10 (1) Any applicant for a children's certificate who is aggrieved by a decision of licensing justices—
- (a) refusing to grant a certificate, or
  - (b) as to the conditions attached to the grant of a certificate,
- may appeal to the Crown Court against the decision.
- (2) Any applicant for an extension of the time when a children's certificate is operational who is aggrieved by a decision of licensing justices with respect to his application may appeal to the Crown Court against the decision.
- (3) Any holder of a justices' licence who is aggrieved by a decision of licensing justices revoking a children's certificate relating to the licensed premises may appeal to the Crown Court against the decision.
- (4) The judgment of the Crown Court on any appeal under this paragraph shall be final.
- 11 Where the Crown Court—
- (a) has awarded costs against an appellant under paragraph 10 of this Schedule, and
  - (b) is satisfied that the licensing justices cannot recover those costs from him,
- it shall order payment out of central funds of such sums as appear to it sufficient to indemnify the licensing justices from all costs and charges whatever to which they have been put in consequence of the appellant's notice of appeal.]

### SCHEDULE 13

. . . F44

#### **Textual Amendments**

**F44** Sch. 13 repealed by [Finance Act 1967 \(c. 54\)](#), [Sch. 16 Pt. I](#)

*Status: Point in time view as at 01/02/1998.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)*

## SCHEDULE 14

### TRANSITIONAL PROVISIONS

- 1 Any reference in any enactment or document, whether expressed or implied, to any enactment repealed by this Act or to any provision contained in any such enactment, or having effect as such a reference, shall be construed as a reference to this Act or, as the case may be, to the corresponding provision of this Act.
- 2 Any regulation, order, rule, licence, appointment, direction, certificate or notice made or given, or other thing done, or having effect as being made, given or done under any provision contained in an enactment repealed by this Act shall have effect as if it had been made, given or done under the corresponding provision of this Act.
- 3 A conviction of an offence under an enactment repealed by this Act or by an enactment so repealed shall be treated, for the purposes of this Act . . . <sup>F45</sup>, as a conviction of an offence under the corresponding provision of this Act.

#### Textual Amendments

**F45** Words repealed by [Refreshment Houses Act 1964 \(c. 88, SIF 69A:1\)](#), **Sch. para. 2(2)**

- 4 Without prejudice to paragraph 3 of this Schedule, for the purposes of section 169(8) of this Act a conviction of an offence under section 21 of the <sup>M11</sup>Licensing Act 1961, section 128 or subsection (1), (4) or (5) of section 129 of the <sup>M12</sup>Licensing Act 1953 (or under any of those enactments as applied by the <sup>M13</sup>Licensing (Seamen’s Canteens) Act 1954 or by the <sup>M14</sup>Occasional Licences and Young Persons Act 1956) shall be taken into account in the same way as a conviction of an offence under section 169 of this Act other than an offence under subsection (2) of that section.

#### Marginal Citations

**M11** 1961 c. 61.

**M12** 1953 c. 46.

**M13** 1954 c. 11.

**M14** 1956 c. 42.

- 5 . . . . . <sup>F46</sup>

#### Textual Amendments

**F46** [Sch. 14 paras. 5, 7](#) repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), **Sch. 1 Pt. XVII**

- 6 (1) Where at the commencement of this Act a justices’ licence granted for a term other than twelve months is in force or in suspense, the following provisions of this paragraph shall apply.
- (2) Any licence granted by way of transfer (directly or indirectly) of the licence shall be granted to have effect for a period ending with the term for which the licence was granted.

*Status: Point in time view as at 01/02/1998.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)*

- (3) An application for the regrant of the licence shall be treated as an application for a new licence and not as an application for the renewal of the licence, but section 123(1) of this Act shall not apply to the regrant.
- (4) The circumstances in which the licence may be forfeited shall include the following, that is to say, it may be forfeited—
  - (a) by an order of a magistrates' court made on complaint, where the court is satisfied that a condition attached, under a previous enactment corresponding to section 4(1) of this Act, to the grant of the licence has not been complied with;
  - (b) by order of any court by or before which the holder of the licence is convicted of any offence committed by him as such.
- (5) A person aggrieved by an order of a magistrates' court under sub-paragraph (4) of this paragraph may appeal to a court of quarter sessions.
- (6) Section 10(3) of this Act shall have effect, in relation to the licence, as if the cases mentioned therein as enabling justices of the peace to grant a protection order included any forfeiture of the licence under this Act.
- (7) In relation to the licence sections 133(3) and 142(3) of this Act shall have effect as if the 5th April mentioned therein were the 5th April next following the first day of the general licensing meeting after a period beginning on the last day of the term for which the licence was granted and equal to the time during which the licence was in suspense (whether by virtue of section 132 of this Act or a corresponding enactment previously in force or by virtue of section 141 of this Act or a corresponding enactment previously in force or partly by virtue of the one and partly by virtue of the other).

7

F47

**Textual Amendments**

F47 Sch. 14 paras. 5, 7 repealed by Statute Law (Repeals) Act 1978 (c. 45), Sch. 1 Pt. XVII

8

The mention of particular matters in this Schedule shall be without prejudice to the general application of [<sup>F48</sup>sections 16(1) and 17(2)(a) of the <sup>M15</sup>Interpretation Act 1978] (which relates to the effect of repeals).

**Textual Amendments**

F48 Words substituted by virtue of Interpretation Act 1978 (c. 30, SIF 115:1), s. 25(2)

**Marginal Citations**

M15 1978 c. 30 (115:1).

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*Status: Point in time view as at 01/02/1998.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed). (See end of Document for details)*

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## SCHEDULE 15

F49

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### Textual Amendments

**F49** Sch. 15 repealed by Statute Law (Repeals) Act 1974 (c. 22)



**Status:**

Point in time view as at 01/02/1998.

**Changes to legislation:**

There are currently no known outstanding effects for the Licensing Act 1964 (repealed).