

SCHEDULES

SCHEDULE 4

Section 53.

SUNDAY OPENING OF PREMISES IN RESPECT OF WHICH A PUBLIC HOUSE LICENCE OR REFRESHMENT LICENCE IS OR WILL BE IN FORCE AND SUNDAY RESTRICTION ORDERS RELATING TO LICENSED PREMISES

PART I

APPLICATIONS FOR SUNDAY OPENING

- 1 Applications may be made to a licensing board in accordance with the provisions of this Schedule for permission to open premises on Sundays as mentioned in section 53(2) of this Act, and any such application is referred to in this Schedule as " an application for Sunday opening ".
- 2 The holder of a public house licence or a refreshment licence in respect of any premises may make an application for Sunday opening of the premises, and any such application shall be in such form as may be prescribed, shall be completed and signed by the applicant or his agent and shall be lodged with the clerk of the licensing board within whose area the premises are situated not later than five weeks before the first day of the meeting of the board at which the application is to be considered.
- 3 The clerk of a licensing board shall, not later than three weeks before the first day of the meeting of the board at which the applications are to be considered, cause to be published in one or more newspapers circulating in the area of the board a list of all competent applications for Sunday opening made to the board under paragraph 2 above.
- 4 The list mentioned in paragraph 3 above shall specify—
 - (a) the name, designation and address of the applicant;
 - (b) the address of the premises in respect of which the application is made;
 - (c) the first day of the meeting of the licensing board at which the application is to be considered.
- 5 Section 10(2)(b) and section 10(5) of this Act shall, with any necessary modifications, apply in relation to an application for Sunday opening as they apply in relation to an application for the grant of a new licence.
- 6 It shall be competent for any person mentioned in section 16(1) of this Act to object in relation to any application made under paragraph 2 above, and the provisions of subsections (2) to (4) of that section shall apply in relation to such objections.
- 7 A licensing board shall refuse an application made under paragraph 2 above if it is satisfied that the opening and use on a Sunday of the premises to which the application relates would cause undue disturbance or public nuisance in the locality, but otherwise shall grant the application.

- 8 The consequence of the refusal of an application under paragraph 7 above in respect of any premises is that, except as otherwise provided by this Act there shall be no permitted hours in those premises on a Sunday.
- 9 An applicant may appeal to the sheriff against a decision of a licensing board to refuse an application under paragraph 7 above.
- 10 Any competent objector who appeared at the hearing of any application made under paragraph 2 above may appeal to the sheriff against a decision of the licensing board to grant the application.
- 11 A licensing board shall not within two years of its refusal of an application made under paragraph 2 above in respect of any premises entertain another such application in respect of those premises.
- 12 An application for a new public house licence or refreshment licence under section 10 of this Act shall state whether the applicant is making an application for Sunday opening, and if an application for Sunday opening is made, the clerk of the licensing board shall include in the list mentioned in section 12(1) of this Act information to that effect.
- 13 An application for the renewal of a public house licence or refreshment licence under section 10 of this Act shall state whether the applicant is making an application for Sunday opening.
- 14 Paragraphs 5 to 11 above shall apply in relation to an application for Sunday opening under paragraph 12 or 13 above as they apply in relation to an application for Sunday opening under paragraph 2 above.
- 15 The grant of an application for Sunday opening under paragraph 2 or 12 above shall come into effect on the making of the grant except that where there were objections at the hearing the grant shall not come into effect until—
- (a) the time within which an appeal may be made has elapsed, or
 - (b) where an appeal has been lodged, the appeal has been abandoned or determined in favour of the applicant for the grant.
- 16 The grant of an application for Sunday opening under paragraph 13 above shall come into effect on the renewal of the licence to which the application relates.
- 17 If an application for Sunday opening is made under paragraph 13 above any existing grant of such an application shall continue to have effect—
- (a) until the first mentioned application is granted by the board;
 - (b) if the first mentioned application is refused, until the time within which an appeal may be made has elapsed, or if an appeal has been lodged, until the appeal has been abandoned or determined.
- 18 The grant of an application for Sunday opening shall cease to have effect when the licence to which it relates ceases to have effect.

PART II

SUNDAY RESTRICTION ORDERS

- 19 Where on a complaint being made to a licensing board by any person mentioned in section 16(1) of this Act, the board is satisfied that the use of licensed premises is the cause of undue disturbance or public nuisance having regard to the way of life in the community in the locality on a Sunday, the board may make an order (in this

Part of this Schedule referred to as a " Sunday restriction order"), and the effect of the Sunday restriction order is that there shall be no permitted hours on Sunday for such period as may be specified in the order or that the permitted hours on Sunday shall be reduced by such a time and for such a period as may be so specified.

20 The provisions of subsections (4) to (6) of section 31 of this Act shall, with any necessary modifications, apply in relation to a Sunday restriction order as they apply in relation to the suspension of a licence.

21 The licensing board may make a Sunday restriction order in relation to individual premises or in relation to a group of premises in respect of which the same type of licence is held.

22 Subsections (4) to (8) of section 65 of this Act shall apply in relation to a Sunday restriction order as they apply in relation to a restriction order under that section.