

SCHEDULES

SCHEDULE 2

REGULATIONS UNDER SECTION 12

PART 1

LICENCES FOR THE PURPOSES OF SECTION 12

Introductory

1. This Part has effect in relation to regulations under section 12(7) about licences for the purposes of section 12.

Licensing authority

2. Regulations shall provide for the licensing authority to be—
- (a) a council; or
 - (b) the Department.
3. Where the licensing authority is a council, regulations may require the council to have regard in carrying out its functions under the regulations to such guidance as may be issued by the Department.

Period of licence

4. Regulations may, in particular—
- (a) make provision about the period for which licences are to be granted;
 - (b) make provision, in connection with the death of the holder of a licence, for the continuation in force of the licence for such period and subject to such conditions as the regulations may provide.
5. Regulations may not provide for licences to be granted for a period of more than 3 years.

Exercise of licensing functions

6. Regulations may, in particular—

- (a) require a licensing authority not to grant a licence unless satisfied as to a matter specified in the regulations;
- (b) require a licensing authority to have regard, in deciding whether to grant a licence, to a matter specified in the regulations.

7. Regulations must make provision requiring a licensing authority not to grant a licence authorising the carrying on of an activity on specific premises unless the premises have been inspected as the regulations may provide.

Grant of licence subject to conditions

8.—(1) Regulations may, in particular, make provision for the grant of a licence subject to conditions.

- (2) Provision of the kind mentioned in sub-paragraph (1) may—
 - (a) enable a licensing authority to attach conditions to a licence;
 - (b) require a licensing authority to attach to a licence conditions specified in the regulations.

Breach of licence condition

9.—(1) Regulations may provide for breach of a condition of a licence to be an offence.

(2) Regulations may provide that an offence of breach of condition of a licence is to be treated as a relevant offence for the purposes of section 22.

(3) Regulations may apply a relevant post-conviction power in relation to conviction for an offence of breach of condition of a licence.

Appeals

10. Regulations may, in particular, make provision for appeals in relation to decisions of a licensing authority under the regulations.

Fees

11. Regulations may include provision for fees or other charges in relation to the carrying out of functions of the licensing authority under the regulations.