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*Status: Point in time view as at 01/05/1998. This version of this schedule contains provisions that are not valid for this point in time.*  
*Changes to legislation: There are currently no known outstanding effects for the London Government Act 1963, SCHEDULE 12. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 12

Section 52.

#### LICENSING OF PUBLIC ENTERTAINMENTS IN GREATER LONDON ON AND AFTER 1ST APRIL 1965

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

- C1** Sch. 12 extended by [Greater London Council \(General Powers\) Act 1978 \(c. xiii\), s. 3](#)  
Sch. 12 modified (20.9.2000) by [2000 c. vii, ss. 1\(1\), 22, Sch. 1](#)  
Sch. 12: functions of local authority not to be responsibility of an executive of the authority (E.)  
(16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\), Sch. 1](#)

#### *Music and dancing licences*

- 1 (1) Subject to sub-paragraph (6) of this paragraph no <sup>F1</sup>premises in a London borough or the City of London], whether or not licensed for the sale of intoxicating liquor, shall be used for any of the following purposes, that is to say, public dancing or music and any other public entertainment of the like kind, except under and in accordance with the terms of a licence granted under this paragraph by <sup>F1</sup>the council of that borough or the Common Council, as the case may be, and that council or the Common Council is in this Schedule referred to as “the Council”].
- (2) The Council may grant to any applicant therefor and from time to time renew a licence for the use of any premises specified therein for all or any of the purposes aforesaid on such terms and conditions and subject to such restrictions as may be so specified.
- (3) Subject to the next following sub-paragraph and to paragraph 19(3) of this Schedule, a licence granted under this paragraph shall, unless previously cancelled under paragraph 8 or revoked under paragraph <sup>F2</sup>9A or 10(4) or (4A)] of this Schedule, remain in force for one year or for such shorter period specified in the licence as the Council may think fit.
- (4) The Council may grant a licence under this paragraph in respect of such one or more particular occasions only as may be specified in the licence, and a licence granted by virtue of this sub-paragraph is hereafter in this Schedule referred to as an <sup>F3</sup>“occasional licence”].
- (5) Where a licence has been granted under this paragraph to any person, the Council may, if they think fit, transfer that licence to any other person on the application of that other person or the holder of the licence.
- (6) Sub-paragraph (1) of this paragraph shall not apply to the Theatre Royal Drury Lane, the Royal Covent Garden Opera House, the Theatre Royal Haymarket . . . <sup>F4</sup> or to any entertainment lawfully held by virtue of letters patent or licence of the Crown . . . <sup>F5</sup>

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[<sup>F6</sup>(7) In this paragraph “premises” includes any place.]

#### Textual Amendments

- F1** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 16, **Sch. 8 para. 1(1)(a)**
- F2** Words in [Sch. 12 para. 1\(3\)](#) substituted (1.5.1998) by [1997 c. 49, s. 2\(2\)](#); [S.I. 1998/1009, art. 2](#) (with art. 3)
- F3** Words in [Sch. 12 para. 1\(4\)](#) substituted (17.12.1996) by [1996 c. IX](#)
- F4** Words repealed by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 81:1\)](#), s. 49(1), **Sch. 4**
- F5** Words repealed by [Theatres Act 1968 \(c. 54\)](#), **Sch. 3**
- F6** [Sch. 12 para. 1\(7\)](#) inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 81:1\)](#), s. 42(2), **Sch. 3 para. 2**

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

- C2** [Sch. 12 para. 1\(2\)](#): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\)](#), **Sch. 1**

- 2 (1) An applicant for the grant or transfer of a licence under paragraph 1 of this Schedule in respect of any premises shall give to the Council . . . <sup>F7</sup> to the commissioner of police in whose district the premises are situated [<sup>F8</sup>and to the London Fire and Civil Defence Authority (in this Schedule referred to as “the fire authority”)] not less than twenty-one days’ notice of his intention to make the application and furnish such particulars and give such other notices as the Council may by regulations prescribe.
- (2) An applicant for the renewal of a licence under the said paragraph 1 shall give to the Council [<sup>F9</sup>and the fire authority] twenty-eight days’ notice of his intention to make the application.
- (3) In relation to an application for the grant, renewal or transfer of an occasional music licence, the two foregoing sub-paragraphs shall have effect as if for the reference to twenty-one or, as the case may be, twenty-eight days’ notice there were substituted a reference to fourteen days’ notice and as if the requirement as to notice to the commissioner of police were omitted.

#### Textual Amendments

- F7** Word repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 16, **Sch. 8 para. 1(1)(b)**
- F8** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 16, **Sch. 8 para. 1(1)(b)**
- F9** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 16, **Sch. 8 para. 1(1)(c)**

- [<sup>F10</sup>2A (1) This paragraph applies where the Council by whom a licence was granted under paragraph 1 of this Schedule in respect of any premises receive a report from the commissioner of police in whose district the premises are situated—
- (a) stating that there is a serious problem relating to the supply or use of controlled drugs at the premises or at any premises nearby which are controlled by the holder of the licence; and
- (b) giving reasons for his view that there is such a problem.

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- (2) An application for the renewal or transfer of the licence may be refused by the Council on the ground that they are satisfied that not renewing or transferring it will significantly assist in dealing with the problem.
- (3) The Council shall give the reasons for their refusal of the application to—
  - (a) the holder of the licence; and
  - (b) in the case of an application for the transfer of the licence, the person to whom the licence would have been transferred if the application had been granted.
- (4) A person to whom reasons are given may make representations to the Council; and the Council shall consider any representations within the period of twenty-one days beginning with the day on which they receive them.
- (5) After considering any representations, the Council shall (unless the date of expiry of the licence has passed) either—
  - (a) confirm the refusal of the application; or
  - (b) grant the application.
- (6) The Council shall have regard in exercising their functions under this paragraph to such guidance as may be issued by the Secretary of State.
- (7) In this paragraph “premises” includes any place.]

#### Textual Amendments

**F10** Sch. 12 para. 2A inserted (1.5.1998) by 1997 c. 49, s. 2(3); S.I. 1998/1009, art. 2 (with art. 3)

- 3 The person making an application for the grant, renewal or transfer of a licence under paragraph 1 of this Schedule shall (except where the licence is for an entertainment which in the opinion of the Council is of an educational or other like character or is given for a charitable or other like purpose) on making the application pay to the Council such fee as the Council may fix . . . <sup>F11</sup>

#### Textual Amendments

**F11** Words repealed by Local Government Act 1974 (c. 7), s. 35, Sch. 6 para. 16, Sch. 8

#### Indoor sports licences

- [<sup>F12</sup>3A (1) Subject to sub-paragraphs (2) and (3) below, no premises in a London borough or the City of London shall be used for any entertainment which consists of any sporting event to which the public are invited as spectators (a “sports entertainment”) except under and in accordance with the terms of a licence granted under this paragraph by the Council.
- (2) Sub-paragraph (1) above does not require a licence in respect of any occasion when the sporting event which constitutes the entertainment is not the principal purpose for which the premises are used on that occasion; but this provision does not apply in relation to a sports complex.

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- (3) Sub-paragraph (1) above does not apply to a sports entertainment held in a pleasure fair.
- (4) The Council may grant to any applicant, and from time to time renew, a licence for the use of any premises specified in it for any sports entertainment on such terms and conditions and subject to such restrictions as may be so specified.
- (5) Subject to the next following sub-paragraph and to paragraph 19(3) of this Schedule, a licence granted under this paragraph shall, unless previously cancelled under paragraph 8 or revoked under paragraph 10(4) of this Schedule, remain in force for one year or for such shorter period specified in the licence as the Council think fit.
- (6) The Council may grant a licence under this paragraph in respect of such one or more particular occasions only as may be specified in the licence, and a licence granted by virtue of this sub-paragraph is hereafter in this Schedule referred to as an “occasional sports licence”.
- (7) Where a licence has been granted under this paragraph to any person the Council may if they think fit transfer that licence to any other person on the application of that other person or the holder of the licence.
- (8) In this paragraph—
- “premises” means any permanent or temporary building and any tent or inflatable structure and includes a part of a building where the building is a sports complex but does not include a part of any other building;
- “sporting event” means any contest, exhibition or display of any sport;
- “sports complex” means a building—
- (a) which provides accommodation and facilities for both those engaging in sport and spectators, and
- (b) the parts of which are so arranged that one or more sports can be engaged in simultaneously in different parts of the building; and
- “sport” includes any game in which physical skill is the predominant factor and any form of physical recreation which is also engaged in for purposes of competition or display, except dancing (in any form).]

#### **Textual Amendments**

**F12** Sch. 12 paras. 3A-3C inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 81:1\)](#), s. 42(1)

- [<sup>F13</sup>3B (1) An applicant for the grant, renewal or transfer of a licence under paragraph 3A or the variation of such a licence under paragraph 18 of this Schedule shall, not later than the day the application is made, send a copy of the application to the Commissioner and to the fire authority and, subject to sub-paragraph (2) below, no such application shall be considered by the Council unless the applicant complies with this sub-paragraph.
- (2) Where an application for the grant, renewal, transfer or variation of a licence has been made and the applicant has failed to send a copy of the application in accordance with the requirement of sub-paragraph (1) above the Council may, in such cases as they think fit and after duly consulting with the party who was not supplied with a copy of the said application, waive such a requirement.

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- (3) In considering any such application the Council shall have regard to any observations submitted to them by the Commissioner and the fire authority within twenty-eight days of the making of the application and may have regard to any observation submitted by them thereafter.
- (4) An applicant for any such grant, renewal, transfer or variation of a licence shall furnish such particulars and give such other notices, including the public advertisement of the application, as the Council may by regulation prescribe.
- (5) Regulations under sub-paragraph (4) above may prescribe the procedure for determining applications.]

**Textual Amendments**

**F13** Sch. 12 para. 3B substituted (17.12.1996) by 1996 c. IX, ss. 1(1), 20(3)

[<sup>F14</sup>3C The person making an application for the grant, renewal or transfer of a licence under paragraph 3A of this Schedule shall on making the application pay to the Council such fee as the Council may fix.]

**Textual Amendments**

**F14** Sch. 12 paras. 3A-3C inserted by Fire Safety and Safety of Places of Sport Act 1987 (c. 27, SIF 81:1), s. 42(1)

*Boxing and wrestling licences*

- 4 (1) This paragraph shall apply to any boxing or wrestling entertainment (that is to say, any public contest, exhibition or display of boxing or, as the case may be, wrestling) which is provided [<sup>F15</sup>wholly or mainly in the open air] in Greater London other than such an entertainment provided—
  - (a) by a travelling showman at a pleasure fair;
  - (b) ..... <sup>F16</sup>
  - (c) by members of the Boy Scouts' Association or of any organisation constituted by the Boy Scouts' Association in pursuance of their charter;
  - (d) by any school; or
  - (e) by a bona fide association, club, hospital or society not carried on for profit.
- (2) A boxing or wrestling entertainment to which this paragraph applies shall not be given elsewhere than at premises licensed for the purpose in accordance with the provisions of this paragraph and in accordance with the terms of that licence.
- (3) The Council may grant to any applicant therefor and from time to time renew a licence to use any premises specified therein for the purpose of a boxing or wrestling entertainment on such terms and conditions and subject to such restrictions as may be so specified.
- (4) Subject to the next following sub-paragraph and to paragraph 19 (3) of this Schedule, a licence granted under this paragraph shall, unless previously cancelled under paragraph 8 or revoked under paragraph 10 (4) of this Schedule, remain in force for

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one year or for such shorter period specified in the licence as the Council may think fit.

- (5) The Council may grant a licence under this paragraph in respect of such one or more particular occasions only as may be specified in the licence, and a licence granted by virtue of this sub-paragraph is hereafter in this Schedule referred to as an [F17“occasional outdoor boxing or wrestling licence”].
- (6) Where a licence has been granted under this paragraph to any person, the Council may if they think fit transfer that licence to any other person on the application of that other person or the holder of the licence.

[F18(7) In this paragraph “premises” includes any place.]

#### Textual Amendments

- F15** Words inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 81:1\)](#), s. 42(2), **Sch. 3 para. 3(a)**
- F16** [Sch. 12 para. 4\(1\)\(b\)](#) repealed by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 81:1\)](#), ss. 42(2), 49(1), [Sch. 3 para. 3\(a\)](#), **Sch. 4**
- F17** Words substituted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 81:1\)](#), s. 42(2), **Sch. 3 para. 3(b)**
- F18** [Sch. 12 para. 4\(7\)](#) inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 81:1\)](#), s. 42(2), **Sch. 3 para. 3(c)**

- [F195 (1) An applicant for the grant, renewal, transfer or variation of a licence under paragraph 4 or the variation of such a licence under paragraph 18 of this Schedule shall not later than the day the application is made send a copy of the application to the Commissioner and to the fire authority and, subject to sub-paragraph (2) below, no such application shall be considered by the Council unless the applicant complies with this sub-paragraph.
- (2) Where an application for the grant, renewal, transfer or variation of a licence has been made and the applicant has failed to send a copy of the application in accordance with the requirement of sub-paragraph (1) above the Council may, in such cases as they think fit and after duly consulting with the party who was not supplied with a copy of the said application, waive such a requirement.
- (3) In considering any such application the Council shall have regard to any observations submitted to them by the Commissioner and the fire authority within twenty-eight days of the making of the application and may have regard to any observation submitted by them thereafter.
- (4) An applicant for any such grant, renewal, transfer or variation of a licence shall furnish such particulars and give such other notices, including the public advertisement of the application, as the Council may by regulation prescribe.
- (5) Regulations under sub-paragraph (4) above may prescribe the procedure for determining applications.]

#### Textual Amendments

- F19** [Sch. 12 para. 5](#) substituted (17.12.1996) by 1996 c. IX, ss. 1(1), 20(4)

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- 6 The person making an application for the grant, renewal or transfer of a licence under paragraph 4 of this Schedule shall on making the application pay to the Council such fee as the Council may fix . . . <sup>F20</sup>

#### Textual Amendments

**F20** Words repealed by [Local Government Act 1974 \(c. 7\), s. 35, Sch. 6 para. 16, Sch. 8](#)

- [<sup>F21</sup>6A Where, before the date of expiry of a licence granted under paragraph 1 [<sup>F22</sup>, 3A]] or 4 of this Schedule, an application has been made for the renewal of that licence, the licence shall be deemed to remain in force notwithstanding that the date of expiry of the licence has passed, until the determination of the application by the Council or until the withdrawal of the application.

#### Textual Amendments

**F21** [Sch. 12 paras. 6A, 6B](#) inserted by [Greater London Council \(General Powers\) Act 1978 \(c. xiii\), s. 4](#)

**F22** Words inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 81:1\), s. 42\(2\), Sch. 3 para. 5](#)

- [<sup>F23</sup>6B Where, before the date of expiry of a licence granted under paragraph 1 [<sup>F24</sup>, 3A]] or 4 of this Schedule, an application has been made for the transfer of that licence, the licence shall be deemed to remain in force (with any necessary modifications) notwithstanding that the date of expiry of the licence has passed or that the applicant for such transfer is carrying on at the premises in respect of which the licence was granted the functions to which the licence relates, until the determination of the application by the Council or the withdrawal of the application.

#### Textual Amendments

**F23** [Sch. 12 paras. 6A, 6B](#) inserted by [Greater London Council \(General Powers\) Act 1978 \(c. xiii\), s. 4](#)

**F24** Words inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 81:1\), s. 42\(2\), Sch. 3 para. 5](#)

### *Transmission and cancellation of licences*

- 7 In the event of the death of the holder of a licence granted under paragraph 1 [<sup>F25</sup>, 3A] or 4 of this Schedule, then, until a legal personal representative of the deceased holder has been duly constituted, the person carrying on at the premises in respect of which the licence was granted the functions to which the licence relates shall be deemed to be the holder of the licence unless and until it is transferred to some other person.

#### Textual Amendments

**F25** Words inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 81:1\), s. 42\(2\), Sch. 3 para. 6](#)

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- 8 The Council upon receiving from the holder of a licence under paragraph 1 [<sup>F26</sup>, 3A] or 4 of this Schedule which is for the time being in force a written request in that behalf accompanied by the licence may cancel the licence.

**Textual Amendments**

**F26** Words inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 81:1\)](#), s. 42(2), [Sch. 3 para. 6](#)

*Power to impose general terms, conditions and restrictions by regulations*

- 9 (1) Subject to the provisions of this Schedule, the Council may make regulations prescribing generally the terms, conditions and restrictions on and subject to which licences under paragraph 1 [<sup>F27</sup>, 3A] or 4 of this Schedule may be granted, renewed or transferred and, where any such regulations are made, then, without prejudice to the power of the Council to grant a licence on any special terms or conditions or subject to any special restrictions, every such licence shall be deemed to be granted subject to the regulations.
- (2) Prima facie evidence of any regulations under this paragraph may be given in any legal proceedings by the production of a copy purporting to be certified as a true copy by the clerk to the Council or some other officer of the Council authorised to give a certificate for the purposes of this paragraph, and no proof shall be required of the handwriting or official position or authority of any person giving such a certificate.

**Textual Amendments**

**F27** Words inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 81:1\)](#), s. 42(2), [Sch. 3 para. 7](#)

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

**C3** [Sch. 12 para. 9](#): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), reg. 2(1), [Sch. 1](#)

*Enforcement of paragraphs 1 to 9*

- [<sup>F28</sup>9A] (1) This paragraph applies where the Council by whom a licence was granted under paragraph 1 of this Schedule in respect of any premises receive a report from the commissioner of police in whose district the premises are situated—
- (a) stating that there is a serious problem relating to the supply or use of controlled drugs at the premises or at any premises nearby which are controlled by the holder of the licence; and
  - (b) giving reasons for his view that there is such a problem.
- (2) The Council may—
- (a) revoke the licence; or
  - (b) impose terms, conditions or restrictions on or subject to which it is to be held, on the ground that they are satisfied that to do so will significantly assist in dealing with the problem.



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- (3) The Council shall give the reasons for their revocation of the licence, or the imposition of the terms, conditions or restrictions, to the holder of the licence who may make representations to the Council; and the Council shall consider any representations within the period of twenty-one days beginning with the day on which they receive them.
- (4) After considering any representations, the Council shall (unless the date of expiry of the licence has passed) either—
  - (a) confirm that the licence remains revoked or continues to have effect on or subject to the terms, conditions or restrictions which have been imposed; or
  - (b) reinstate the licence or determine that it has effect free of those terms, conditions or restrictions.
- (5) The Council shall have regard in exercising their functions under this paragraph to such guidance as may be issued by the Secretary of State.
- (6) In this paragraph “premises” includes any place.]

#### Textual Amendments

**F28** Sch. 12 para. 9A inserted (1.5.1998) by 1997 c. 49, s. 2(4); S.I. 1998/1009, art. 2 (with art. 3)

- 10 (1) If at any premises any entertainment in respect of which a licence is required under paragraph 1 [<sup>F29</sup>, 3A] or 4 of this Schedule is provided without such a licence being held in respect thereof, then—
- (a) any person concerned in the organisation or management of that entertainment; and
  - (b) any other person who, knowing or having reasonable cause to suspect that such an entertainment would be so provided at those premises—
    - (i) allowed the premises to be used for the provision of that entertainment; or
    - (ii) let the premises, or otherwise made the premises available, to any person by whom an offence in connection with the entertainment has been committed,shall be guilty of an offence.
- [<sup>F30</sup>(2) Subject to paragraph 11 of this Schedule, if—
- (a) any person is the holder of a licence granted under the said paragraph 1 [<sup>F31</sup>, 3A] or 4, under section 21 (Licensing of public exhibitions, etc.) of the Greater London Council (General Powers) Act 1966 or under section 5 (Licensing of entertainments booking offices) of the Greater London Council (General Powers) Act 1978 in respect of any premises which have been used in contravention of any term, condition or restriction on or subject to which the licence is held; or
  - (b) any other person who, knowing or having reasonable cause to suspect that the premises would be so used—
    - (i) allowed the premises to be so used; or
    - (ii) let the premises, or otherwise made the premises available, to any person who so used the premises;he shall be guilty of an offence in respect of the contravention of each such term, condition or restriction.]

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- [<sup>F32</sup>(3) Any person guilty of an offence under sub-paragraph (1) or (2) of this paragraph shall be liable on summary conviction
- (a) in the case of an offence to which sub-paragraph (3A) of this paragraph applies, to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months or to both;
  - (b) in any other case, to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.
- (3A) This sub-paragraph applies to
- (a) any offence under sub-paragraph (1) of this paragraph where the entertainment provided is entertainment in respect of which a licence is required under paragraph 1 of this Schedule; and
  - (b) any offence under sub-paragraph (2) of this paragraph where the licence held is a licence granted under that paragraph and the term, condition or restriction which is contravened imposes a limit on the number of persons who may be present at the entertainment,
- but excluding (in each case) any offence which would not be an offence if section 3 of the <sup>M1</sup>Greater London Council (General Powers) Act 1978 (premises used for public entertainment consisting wholly or partly of human posing deemed to be premises used for public dancing) had not been enacted.]
- (4) If the holder of a licence under the said paragraph 1 [<sup>F33</sup>, 3A] or 4 is convicted by virtue of sub-paragraph (2) (a) of this paragraph, then, subject to paragraph 19 of this Schedule, the Council may revoke the licence.
- [<sup>F34</sup>(4A) Where a person is convicted by a court of an offence under sub-paragraph (2) of this paragraph in relation to a licence granted under paragraph 1 of this Schedule in respect of any premises, the court may revoke the licence if satisfied that—
- (a) there is a serious problem relating to the supply or use of controlled drugs at the premises or at any premises nearby which are controlled by the holder of the licence; and
  - (b) it will significantly assist in dealing with the problem to revoke the licence.
- <sup>F34</sup>(4B) The standard of proof for the purposes of sub-paragraph (4A) of this paragraph is that applicable in civil proceedings and in that sub-paragraph “premises” includes any place.]
- [<sup>F35</sup>(5) Where an offence under sub-paragraph (1) or (2) of this paragraph committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (6) Where the affairs of a body corporate are managed by its members, sub-paragraph (5) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.]

#### Textual Amendments

**F29** Words inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 81:1\)](#), s. 42(2), [Sch. 3 para. 8](#)

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- F30** Sch. 12 para. 10(2) substituted by Greater London Council (General Powers) Act 1979 (c. xxii), s. 3(a)
- F31** Words inserted by Fire Safety and Safety of Places of Sport Act 1987 (c. 27, SIF 81:1), s. 42(2), **Sch. 3 para. 8**
- F32** Sch. 12 para. 10(3)(3A) substituted by Entertainments (Increased Penalties) Act 1990 (c. 20, SIF 45A), s. 1(1)
- F33** Words inserted by Fire Safety and Safety of Places of Sport Act 1987 (c. 27, SIF 81:1), s. 42(2), **Sch. 3 para. 8**
- F34** Sch. 12 para. 10(4A)(4B) inserted (1.5.1998) by 1997 c. 49, s. 2(5); S.I. 1998/1009, art. 2 (with art. 3)
- F35** Sch. 12 para. 10(5)(6) inserted by Greater London Council (General Powers) Act 1984 (c. xxvii), s. 4(3)

#### Marginal Citations

- M1** 1978 c.xiii.

- 11 Where, in the case of any premises in respect of which a licence under paragraph 1 of this Schedule is for the time being in force, a special order of exemption on any special occasion has been granted in respect of those premises under section 107 of the <sup>M2</sup>Licensing Act 1953, no person shall be guilty of an offence under paragraph 10 (2) of this Schedule by reason only of those premises being kept open on that special occasion for any of the purposes authorised by the licence after the latest hour so authorised by not later than the hour specified in that special order as the hour for closing.

#### Marginal Citations

- M2** 1953 c. 46.

VALID FROM 21/12/2002

- [<sup>F36</sup>11A(1) Sub-paragraph (2) below applies where—
- (a) a licence under paragraph 1 of this Schedule is for the time being in force in respect of any premises, and
  - (b) the Special Occasions licensing hours are (subject to any Special Occasions restriction order) added to the permitted hours in the premises.
- (2) No person shall be guilty of an offence under paragraph 10(2) of this Schedule by reason only of the premises being kept open on New Year’s Eve for any of the purposes authorised by the licence after the latest hour so authorised.
- (3) For the purposes of paragraph (2) above, “New Year’s Eve”—
- (a) does not include any time specified in a Special Occasions restriction order as not to be added to the permitted hours, but
  - (b) otherwise, includes any period immediately following New Year’s Eve during which the Special Occasions licensing hours continue.
- (4) Where, by virtue of a Special Occasions restriction order, the permitted hours together with any of the Special Occasions licensing hours to be added to them end at different times in different parts of the premises, each part shall be treated as separate premises for the purposes of this paragraph.
- (5) In this paragraph expressions used in the Regulatory Reform (Special Occasions Licensing) Order 2001 shall have the same meaning as in that Order.]

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 Changes to legislation: There are currently no known outstanding effects for the London Government Act 1963, SCHEDULE 12. (See end of Document for details)*

#### Textual Amendments

**F36** Sch. 12 para. 11A inserted (21.12.2002) by [The Regulatory Reform \(Special Occasions Licensing\) Order 2002 \(S.I. 2002/3205\)](#), [art. 3](#)

- 12 (1) A police constable or any person appointed for the purpose by the Council [<sup>F37</sup>or the fire authority] may at all reasonable times enter any premises in respect of which a licence under paragraph 1 [<sup>F38</sup>, 3A] or 4 of this Schedule is for the time being in force at which he has reason to believe that an entertainment to which [<sup>F39</sup>any] of those paragraphs applies is being or is about to be given with a view to seeing whether the provisions of this Schedule applicable to that entertainment and the terms, conditions or restrictions on or subject to which the licence is held are complied with.
- (2) A police constable or any person appointed as aforesaid may, if authorised in that behalf by a warrant granted by a justice of the peace, enter any premises in respect of which he has reason to suspect that an offence under this Schedule is being committed.
- (3) Any person who refuses to permit any such constable or person to enter or inspect any premises in accordance with the provisions of this paragraph shall for every such refusal be liable on summary conviction to a fine not exceeding [<sup>F40</sup>level 3 on the standard scale].

#### Textual Amendments

**F37** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 16, [Sch. 8 para. 1\(1\)\(f\)](#)

**F38** Words inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 81:1\)](#), s. 42(2), [Sch. 3 para. 9](#)

**F39** Word substituted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 81:1\)](#), s. 42(2), [Sch. 3 para. 9](#)

**F40** Words substituted by virtue of [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. 1(8)(b) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46

[<sup>F41</sup>12A The provisions of paragraphs 12B and 12C of this Schedule shall have effect in Greater London other than in the outer London boroughs.]

#### Textual Amendments

**F41** Sch. 12 paras. 12A-12C inserted by [Greater London Council \(General Powers\) Act 1984 \(c. xxvii\)](#), s. 4(1)

- [<sup>F42</sup>12B(1) Subject to sub-paragraph (2) of this paragraph, the court by or before which a person is convicted of an offence under sub-paragraph (1) or (2) of paragraph 10 of this Schedule may order any thing produced to the court, and shown to the satisfaction of the court to relate to the offence, to be forfeited and dealt with in such manner as the court may order.
- (2) The court shall not order any thing to be forfeited under the foregoing sub-paragraph where a person claiming to be the owner of or otherwise interested in it applies to be heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.]

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**Textual Amendments**

**F42** Sch. 12 paras. 12A-12C inserted by [Greater London Council \(General Powers\) Act 1984 \(c. xxvii\), s. 4\(1\)](#)

[<sup>F43</sup>12C A constable or any person appointed for the purpose by the Council who enters any premises under the authority of a warrant granted under sub-paragraph (2) of paragraph 12 of this Schedule may seize and remove any apparatus or equipment or other thing whatsoever found on the premises which he has reasonable cause to believe may be liable to be forfeited under paragraph 12B of this Schedule.]

**Textual Amendments**

**F43** Sch. 12 paras. 12A-12C inserted by [Greater London Council \(General Powers\) Act 1984 \(c. xxvii\), s. 4\(1\)](#)

13—16. . . . . <sup>F44</sup>

**Textual Amendments**

**F44** Sch. 12 paras. 13–16, 19(1)(a)(ii) repealed by [Theatres Act 1968 \(c. 54\), Sch. 3](#)

*Provisional grant of licences*

- 17 (1) Where application is made to the Council for the grant of a licence under . . . <sup>F45</sup> . . . <sup>F46</sup> paragraph 1 [<sup>F47</sup>, 3A] or 4 of this Schedule in respect of premises which are to be, or are in the course of being, constructed, extended or altered and the Council are satisfied that the premises would, if completed in accordance with plans deposited in accordance with the requirements of the Council, be such that the Council would grant the licence, the Council may grant the licence subject to a condition that it shall be of no effect until confirmed by the Council.
- (2) The Council shall confirm any licence granted by virtue of the foregoing sub-paragraph if and when they are satisfied that the premises have been completed in accordance with the plans aforesaid, or in accordance with those plans as modified with the approval of the Council, and that the licence is held by a fit and proper person.

**Textual Amendments**

- F45** Words repealed by [Theatres Act 1968 \(c. 54\), Sch. 3](#)  
**F46** Words repealed by [Cinemas Act 1985 \(c. 13, SIF 45A\), s. 24\(2\), Sch. 3](#)  
**F47** Words inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 81:1\), s. 42\(2\), Sch. 3 para. 10](#)

*Variation of licences*

- 18 The holder of a licence in respect of any premises—
- (a) granted under paragraph 1 [<sup>F48</sup>, 3A] or 4 of this Schedule or,
- (b) . . . . . <sup>F49</sup>

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#### Textual Amendments

- F48** Words inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 81:1\)](#), s. 42(2), **Sch. 3 para. 11**
- F49** [Sch. 12 para. 18\(b\)](#) repealed by [Cinemas Act 1985 \(c. 13, SIF 45A\)](#), ss. 24(2), Sch. 3

<sup>F50</sup>18A The person making an application for the variation of a licence under paragraph 18 of this Schedule shall on making the application pay to the Council such reasonable fee as the Council may fix.]

#### Textual Amendments

- F50** [Sch. 12 para. 18A](#) inserted by [Greater London Council \(General Powers\) Act 1986 \(c. iv\)](#), **Pt. II s. 3**

### *Appeals*

- 19 (1) Any of the following persons, that is to say—
- (a) an applicant for—
    - (i) the grant, renewal or transfer of a licence in respect of any premises under paragraph 1 [<sup>F51</sup>, 3A] or 4 of this Schedule; or
    - (ii) ..... <sup>F52</sup>
    - (iii) the variation of the terms, conditions or restrictions on or subject to which any such licence as aforesaid is held,  
 whose application is refused;
  - (b) the holder of any such licence as aforesaid whose licence is revoked by the Council or who is aggrieved by any term, condition or restriction on or subject to which the licence is held,  
 may at any time before the expiration of the [<sup>F53</sup>relevant period] appeal to a magistrates' court acting for the petty sessions area in which the premises are situated; and the court may make such order as it thinks fit and, subject to [<sup>F53</sup>sub-paragraph (2) of this paragraph], that order shall be binding on the Council.
- <sup>F54</sup>(1A) In this paragraph “relevant period” means the period of twenty-one days beginning with the date when the person in question is notified of—
- (a) the refusal of his application;
  - (b) the revocation of his licence; or
  - (c) the imposition of the term, condition or restriction by which he is aggrieved;  
 but in a case where a decision is made under paragraph 2A(5) or 9A(4) of this Schedule means the date on which the person in question is notified of the decision.]
- (2) Any person aggrieved by the order of a magistrates' court [<sup>F55</sup>under sub-paragraph (1) of this paragraph or under paragraph 10(4A) of this Schedule] may appeal therefrom to a court of quarter sessions.
- (3) Where any such licence as aforesaid is revoked under paragraph 10 (4) <sup>F56</sup>... of this Schedule or an application for the renewal of a licence under the said paragraph 1 [<sup>F51</sup>, 3A] or 4 is [<sup>F57</sup>refused otherwise than on the ground specified in paragraph 2A(2) of this Schedule] the licence shall be deemed to remain in force—

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- (a) during any period within which an appeal under this paragraph may be brought and, if such an appeal is brought within the relevant period, until the determination or abandonment of the appeal; and
- (b) where such an appeal relating to such a refusal as aforesaid is successful and no further such appeal is available, until the licence is renewed by the Council.

[<sup>F58</sup>(3A) A court which revokes a licence under paragraph 10(4A) of this Schedule may, if in the particular circumstances it would be unfair not to do so, order that the licence shall remain in force—

- (a) during the period within which an appeal against the revocation may be brought; and
- (b) if such an appeal is duly brought, until the determination or abandonment of the appeal.]

(4) In the case of an appeal in relation to an application of which, in accordance with paragraph 2 (1) [<sup>F59</sup>, 3B(1)] or 5 (1) of this Schedule, notice was required to be given to a commissioner of police, notice of that appeal shall be given to that commissioner as well as to any other person to whom it is required to be given apart from this subparagraph.

(5) ..... <sup>F60</sup>

#### Textual Amendments

- F51** Words inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 81:1\)](#), s. 42(2), [Sch. 3 para. 12\(a\)](#)
- F52** [Sch. 12 paras. 13–16, 19\(1\)\(a\)\(ii\)](#) repealed by [Theatres Act 1968 \(c. 54\)](#), [Sch. 3](#)
- F53** Words in [Sch. 12 para. 19\(1\)](#) substituted (1.5.1998) by 1997 c. 49, [s. 2\(6\)\(a\)](#); S.I. 1998/1009, [art. 2](#) (with [art. 3](#))
- F54** [Sch. 12 para. 19\(1A\)](#) inserted (1.5.1998) by 1997 c. 49, [s. 2\(6\)\(b\)](#); S.I. 1998/1009, [art. 2](#) (with [art. 3](#))
- F55** Words in [Sch. 12 para. 19\(2\)](#) substituted (1.5.1998) by 1997 c. 49, [s. 2\(6\)\(c\)](#); S.I. 1998/1009, [art. 2](#) (with [art. 3](#))
- F56** Words in [Sch. 12 para. 19\(3\)](#) omitted (1.5.1998) by virtue of 1997 c. 49, [s. 2\(6\)\(d\)](#); S.I. 1998/1009, [art. 2](#) (with [art. 3](#))
- F57** Words in [Sch. 12 para. 19\(3\)](#) substituted (1.5.1998) by 1997 c. 49, [s. 2\(6\)\(d\)](#); S.I. 1998/1009, [art. 2](#) (with [art. 3](#))
- F58** [Sch. 12 para. 19\(3A\)](#) inserted (1.5.1998) by 1997 c. 49, [s. 2\(6\)\(e\)](#); S.I. 1998/1009, [art. 2](#) (with [art. 3](#))
- F59** Words inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 81:1\)](#), s. 42(2), [Sch. 3 para. 12\(b\)](#)
- F60** [Sch. 12 para. 19\(5\)](#) repealed by [Cinemas Act 1985 \(c. 13, SIF 45A\)](#), ss. 24(2), [Sch. 3](#)

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

- C4** [Sch. 12 para. 19\(2\)](#) amended with the substitution of a reference to the Crown Court for the reference to a court of quarter sessions by [Courts Act 1971 \(c. 23\)](#), s. 56(2), [Sch. 9 Pt. I](#)

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[<sup>F61</sup> Interpretation]

**Textual Amendments**

**F61** Cross-heading for Sch. 12 para. 19A inserted (1.5.1998) by 1997 c. 49, s. 2(7); S.I. 1998/1009, art. 2 (with art. 3)

[<sup>F62</sup>19A In this Schedule “controlled drugs” has the same meaning as in the <sup>M3</sup>Misuse of Drugs Act 1971.]

**Textual Amendments**

**F62** Sch. 12 para. 19A inserted (1.5.1998) by 1997 c. 49, s. 2(7); S.I. 1998/1009, art. 2 (with art. 3)

**Marginal Citations**

**M3** 1971 c. 38.

20 ..... <sup>F63</sup>

**Textual Amendments**

**F63** Sch. 12 para. 20 repealed by Fire Safety and Safety of Places of Sport Act 1987 (c. 27, SIF 81:1), ss. 42(2), 49(1), Sch. 3 para. 13, Sch. 4



**Status:**

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**Changes to legislation:**

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