



Licensing (Amendment) Act 1980

1980 CHAPTER 40

An Act to amend the Licensing Act 1964 in relation to special hours certificates and the extension of existing on-licences to additional types of liquor. [17th July 1980]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Amendment of provisions for upgrading of on-licences.

- (1) In subsection (1) of section 37 of the Licensing Act 1964 after " a justices' on-licence " where those words first appear there shall be inserted " to which this section applies " and for the same words where they appear for the second time there shall be substituted " such a licence ".
- (2) At the end of the said section 37 there shall be added the following new subsection:
 - “(3) This section applies to any justices' on-licence granted by way of renewal from time to time of a licence in force on or before 3rd August 1961, no account being taken of any transfer or removal.”
- (3) This section shall not have effect in relation to any application made under the said section 37 before the end of the period of one month beginning with the day on which this Act is passed.

2 Special hours certificates : amendment of provisions as to permitted hours.

At the end of subsection (2) of section 76 of the Licensing Act 1964 there shall be inserted: “; and

- (c) in any premises or part for which a certificate is in force subject to a condition imposed in pursuance of section 81A of this Act, the permitted hours on any day to which the condition relates shall not extend beyond the time specified in the condition.”.

3 Special hours certificates: amendment of supplementary provisions.

After section 81 of the Licensing Act 1964 there shall be inserted:

“81A Special hours certificates: condition restricting hours.

- (1) If, on an application for a special hours certificate or for revocation of a special hours certificate for any premises or part of any premises (other than premises situated as mentioned in section 76(3) of this Act), the licensing justices or, as the case may be, the magistrates' court, are of opinion—
- (a) that the bona fide user of the premises for the purpose of providing music and dancing is or is likely to be applicable to a period ending earlier than the second period mentioned in section 76(2) of this Act, or
 - (b) that in order to avoid or reduce any disturbance of or annoyance to residents in the neighbourhood of the premises or the occurrence of disorderly conduct in the premises it is desirable for the permitted hours to end earlier than the second period so mentioned,
- they may, in the case of an application for a certificate, grant it subject to the condition mentioned in subsection (3) of this section, and in the case of an application for revocation, instead of revoking the certificate, impose such a condition.
- (2) At any time while a special hours certificate for any premises or part of any premises (other than premises situated as mentioned in section 76(3) of this Act) is in force, the chief officer of police may apply to the licensing justices or, if it was granted under section 78 of this Act, to the magistrates' court, for the imposition of the condition mentioned in subsection (3) of this section on either of the grounds set out in subsection (1) of this section, and if the licensing justices or the magistrates' court are satisfied that the ground of the application is made out they may impose the condition.
- (3) The condition referred to in the preceding provisions of this section is that the permitted hours shall not on any weekday, or any specified weekday, extend beyond such time earlier than 2 o'clock in the morning but not earlier than midnight as may be specified.

81B Special hours certificates: appeals.

- (1) Subject to subsection (2) of this section, any person aggrieved by a decision of licensing justices or a magistrates' court—
- (a) to revoke or not to revoke a special hours certificate on an application under subsection (2) or (4) of section 81 of this Act,
 - (b) to impose or not to impose a condition under subsection (1) of section 81A of this Act on an application for the grant of a special hours certificate or to impose a condition under that subsection on an application for the revocation of such a certificate, or
 - (c) to impose or not to impose a condition on an application under section 81A(2) of this Act,
- may appeal to the Crown Court against that decision.
- (2) Only the chief officer of police may appeal against a decision not to revoke a certificate as mentioned in paragraph (a) of subsection (1) of this section or

not to impose a condition as mentioned in paragraph (c) of that subsection; and a person may appeal against a decision not to impose a condition under section 81A(1) of this Act only if he has appeared before the licensing justices or magistrates' court and made representations that the condition be imposed.

- (3) A person other than the appellant shall be a party to an appeal under this section if, and only if, he has appeared before the licensing justices or magistrates' court and made representations on the application to which the decision appealed against relates.
- (4) Licensing justices shall have the same power to make an order for the payment of costs on the abandonment of an appeal under this section as a magistrates' court has by virtue of section 85 of the Magistrates' Courts Act 1952 on the abandonment of an appeal to which that section relates."

4 Short title, commencement and extent.

- (1) This Act may be cited as the Licensing (Amendment) Act 1980.
- (2) Sections 2 and 3 of this Act shall not come into force until such day as the Secretary of State may appoint by order made by statutory instrument.
- (3) This Act does not extend to Scotland or Northern Ireland.