

*Status: Point in time view as at 25/10/1991.*

**Changes to legislation:** There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1982, Cross Heading: Provisions relating to existing premises. (See end of Document for details)

## SCHEDULES

### SCHEDULE 3

#### CONTROL OF SEX ESTABLISHMENTS

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

- C1** Sch. 3 applied (24.7.1996) by [City of Westminster Act 1996 \(c. viii\), s. 3\(1\)](#)  
Sch. 3: functions of local authority not to be the responsibility of an authority's executive (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\), Sch. 1](#)
- C1** Sch. 3: power to apply with amendments (including the insertion of a new Sch. 3 para. 3A) conferred on a borough council (which has resolved, in accordance with s. 2 of this Act, that Sch. 3 shall apply to their area) by [Greater London Council \(General Powers\) Act 1986 \(c. iv\), s. 12\(1\)\(4\)](#) (coming into force in accordance with s. 12(2)(3)); and in Sch. 3 para. 3A, as applied by a participating council, proviso para. (ii) is repealed by [London Local Authorities Act 1990 \(c. vii\), ss. 3, 5, 18, Sch. 1](#); and in Sch. 3 para. 3A, as applied otherwise, proviso paras. (i)(ii) are substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\), s. 201\(2\), Sch. 6 para. 85\(3\)](#) (with [ss. 2\(3\), 15\(2\), 195, Sch. 8 para. 32](#)); [S.I. 2005/3056, art. 2\(2\)](#)

##### *Provisions relating to existing premises*

- 28 (1) Without prejudice to any other enactment it shall be lawful for any person who—
- was using any premises, vehicle, vessel or stall as a sex establishment immediately before the date of the first publication under subsection (2) of section 2 above of a notice of the passing of a resolution under that section by the local authority for the area; and
  - had before the appointed day duly applied to the appropriate authority for a licence for the establishment,
- to continue to use the premises, vehicle, vessel or stall as a sex establishment until the determination of his application.
- (2) In this paragraph and paragraph 29 below “the appointed day”, in relation to any area, means the day specified in the resolution passed under section 2 above as the date upon which this Schedule is to come into force in that area.
- 29 (1) This paragraph applies to an application for the grant of a licence under this Schedule made before the appointed day.
- A local authority shall not consider any application to which this paragraph applies before the appointed day.
  - A local authority shall not grant any application to which this paragraph applies until they have considered all such applications.
  - In considering which of several applications to which this paragraph applies should be granted a local authority shall give preference over other applicants to any applicant who satisfies them—

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- (a) that he is using the premises, vehicle, vessel or stall to which the application relates as a sex establishment; and
- (b) that some person was using the premises, vehicle, vessel or stall as a sex establishment on 22nd December 1981; and
- (c) that—
  - (i) he is that person; or
  - (ii) he is a successor of that person in the business or activity which was being carried on there on that date.

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