

SCHEDULES

SCHEDULE 3

MINOR AMENDMENTS OF THE PRINCIPAL ACT

- 1 In section 7 (renewal of justices' licences)—
 - (a) in subsection (2) (person intending to oppose application for renewal to give written notice of his intention to the applicant), after the word “applicant” there shall be inserted the words “and the clerk to the licensing justices”; and
 - (b) subsection (3) (power to hear objection without notice) shall cease to have effect.
- 2 In section 9(5) (saving for disqualification under other enactments of premises for receiving a justices' licence), the words “of subsections (2) and (3)” shall be omitted.
- 3 In section 21 (appeals)—
 - (a) in subsection (1) (decisions of licensing justices which may be appealed against), for the word “or” at the end of paragraph (e) there shall be substituted—

“(ee) the revocation of a justices' licence; or”; and
 - (b) in subsection (4) (power to extend justices' licence beyond expiry date), after the word “licence”, in the second place where it occurs, there shall be inserted the words “or a decision by the licensing justices to revoke it”.
- 4 In section 22 (procedural provisions as to appeals), the following subsection shall be inserted after subsection (3)—

“(3A) On an appeal against a decision to revoke a justices' licence, any person on whose application the licence was revoked shall be respondent in addition to the licensing justices.”
- 5 In section 23 (powers of Crown Court on appeals), the following subsection shall be inserted after subsection (3)—

“(4) Where the Crown Court allows an appeal against the revocation of a justices' licence which has been continued in force under section 21(4) of this Act, it may order that the licence shall further continue in force until the date of the next licensing sessions for the district in which the licence is granted.”
- 6 In section 43(3) (grounds for refusing an application for the issue or renewal of a registration certificate), after the word “forfeiture” there shall be inserted the words “or revocation”.
- 7 In section 65 (six-day and early-closing licences)—
 - (a) in subsection (1), after the words “on-licence” there shall be inserted the words “, or on an application by the holder of such a licence,”; and
 - (b) for subsection (3) there shall be substituted—

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- “(3) Licensing justices shall revoke a condition inserted under subsection (1) of this section on an application by the holder of the licence requesting them to do so.”
8. In section 76 (special hours certificates: permitted hours)—
- (a) in subsection (2), for paragraph (c) there shall be substituted—
- “(c) in any premises or part for which a certificate is in force subject to a limitation imposed in pursuance of section 78A or 81A of this Act, the permitted hours on any day to which the limitation relates shall not extend beyond the time specified in the certificate.”; and
- (b) in subsection (4), for the word “ten” there shall be substituted the word “twenty”.
9. In section 81B (special hours certificates: appeals)—
- (a) in subsection (1), for paragraphs (b) and (c), there shall be substituted the following—
- “(b) to attach or not to attach limitations under section 78A of this Act, or
- (c) to attach or not to attach limitations under section 81A of this Act.”; and
- (b) the following subsection shall be substituted for subsection (2)—
- “(2) Only the chief officer of police may appeal against a decision not to revoke a certificate as mentioned in paragraph (aa) of subsection (1) of this section or not to attach a limitation under section 81A(3) of this Act; and a person may appeal against a decision not to attach a limitation under section 81A(2) of this Act only if he has appeared before the licensing justices or magistrates' court and made representations that the limitation be attached.”
10. In section 89(1) (duty of licensee to post notice where permitted hours modified), after the words “exemption” there shall be inserted the words “, an order under section 87A of this Act”.
11. In section 91 (procedure of licensing justices), for the words “81 or 81A(2)” there shall be substituted the words “, 78A, 81 or 81A”.
12. In section 95 (permitted hours in restaurants, etc.), subsection (1) shall cease to have effect.
13. The following section shall be inserted after section 150—
- “150A Variation of description of intoxicating liquor authorised to be sold**
- If, after giving such notices as the licensing justices may require, the holder of a canteen licence so requests by an application under this section, the licensing justices may vary the description or descriptions of intoxicating liquor authorised to be sold.”
14. In section 151 (renewal of canteen licences)—
- (a) in subsection (3), for the words “a general annual licensing meeting” there shall be substituted the words “the general annual licensing meeting

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- immediately preceding the expiry of the licensing period for which the licence was granted”; and
- (b) in subsection (6), after the word “licence”, in the second place where it occurs, there shall be inserted the words “and to the clerk to the licensing justices”.
- 15 In section 154(1) (appeals in connection with canteen licences)—
- (a) in paragraph (d), for the words from “on” to “applicant's” there shall be substituted the words “do not comply with a”; and
- (b) the following paragraph shall be inserted after paragraph (e)—
- “(ee) revoke a canteen licence under section 153A of this Act; or”.
- 16 In section 168(3)(a) (due diligence defence), for the word “used” there shall be substituted the words “exercised all”.
- 17 In section 169(1) (selling to persons under 18), for the words “subsections (4) and (10)” there shall be substituted the words “subsection (4)”.
- 18 In section 185 (duty of holder to produce certain licences and orders on demand) after the words “canteen licence” there shall be inserted the words “, an order under section 87A of this Act”.
- 19 The following section shall be inserted after section 196—

“196A Extension to certain proceedings under this Act of section 97 of the Magistrates' Courts Act 1980

- (1) For the purposes of section 97 of the Magistrates' Courts Act 1980 (procuring the attendance of witnesses etc. at the hearing of a complaint) the following proceedings shall be treated as the hearing of a complaint—
- (a) proceedings on an application—
- (i) for the grant of a justices' licence;
- (ii) for the revocation of a justices' licence or canteen licence; or
- (iii) for the making, variation or revocation of a restriction order; and
- (b) proceedings in connection with the exercise by licensing justices of the power to revoke a justices' licence or canteen licence of their own motion.
- (2) Licensing justices before whom any such proceedings as are mentioned in subsection (1) above take place shall be treated for the purposes of section 97 of the Magistrates' Courts Act 1980 as a magistrates' court for the petty sessions area constituting the licensing district.”