

Status: Point in time view as at 07/08/2005.

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SCHEDULES

SCHEDULE 8

TRANSITIONAL PROVISION ETC.

PART 2

CLUB PREMISES CERTIFICATES

Introductory

- 13 (1) In this Part—
- “existing club certificate” means a certificate held by a club under Part 2 of the 1964 Act for any premises;
 - “existing qualifying club activities” means the qualifying club activities authorised by the relevant existing club certificate in respect of those premises;
 - “first appointed day” means such day as may be specified as the first appointed day for the purposes of this Part;
 - “relevant existing club certificate”, in relation to an application under paragraph 14, means the existing club certificate to which the application relates;
 - “relevant licensing authority” has the same meaning as in Part 4 of this Act (club premises certificates); and
 - “second appointed day” means such day as may be specified as the second appointed day for the purposes of this Part.
- (2) In the application of section 68 (relevant licensing authority in Part 4 of this Act) for the purposes of this Part, the reference in subsection (4) of that section to an applicant for a club premises certificate is to be read as a reference to an applicant under paragraph 14 for the grant of a certificate under paragraph 16.

Commencement Information

- II** Sch. 8 para. 13(1) in force for certain purposes at 16.12.2003 by S.I. 2003/3222, art. 2, Sch.; Sch. 8 para. 13 otherwise in force at 7.2.2005 by S.I. 2004/2360, art. 2, Sch.

Application for conversion of existing club certificate

- 14 (1) This paragraph applies where, in respect of any premises, a club holds an existing club certificate on the first appointed day.
- (2) The club may, within the period of six months beginning with the first appointed day, apply to the relevant licensing authority for the grant of a certificate under paragraph 16 to succeed the existing club certificate so far as it relates to those premises.

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- (3) An application under this Part must specify the existing qualifying club activities and such other information as may be specified.
- (4) The application must also be in the specified form and accompanied by—
 - (a) the relevant documents, and
 - (b) the specified fee.
- (5) The relevant documents are—
 - (a) the relevant existing club certificate (or a certified copy of it),
 - (b) a plan in the specified form of the premises to which that certificate relates, and
 - (c) such other documents as may be specified.
- (6) In this paragraph any reference to a certified copy of a document is a reference to a copy of that document certified to be a true copy—
 - (a) by the chief executive of the licensing justices for the licensing district in which the premises are situated,
 - (b) by a solicitor or notary, or
 - (c) by a person of a specified description.
- (7) A document which purports to be a certified copy of an existing club certificate is to be taken to be such a copy unless the contrary is shown.

Commencement Information

I2 Sch. 8 para. 14(3)-(5)(6)(c) in force at 16.12.2003 by S.I. 2003/3222, art. 2, Sch.; Sch. 8 para. 14(1)(2)(6)(a)(b)(7) in force at 7.2.2005 by S.I. 2004/2360, art. 2, Sch.

Police consultation

- 15 (1) Where a person makes an application under paragraph 14, he must give a copy of the application (and any documents which accompany it) to the chief officer of police for the police area (or each police area) in which the premises are situated no later than 48 hours after the application is made.
- (2) Where—
 - (a) an appeal is pending against a decision to revoke, or to reject an application for the renewal of, the relevant existing club certificate, and
 - (b) a chief officer of police who has received a copy of the application under sub-paragraph (1) is satisfied that converting that existing club certificate in accordance with this Part would undermine the crime prevention objective, he must give the relevant licensing authority and the applicant a notice to that effect.
- (3) Where a chief officer of police who has received a copy of the application under sub-paragraph (1) is satisfied that, because of a material change in circumstances since the relevant time, converting the relevant existing club certificate in accordance with this Part would undermine the crime prevention objective, he must give the relevant licensing authority and the applicant a notice to that effect.
- (4) For this purpose “the relevant time” means the time when the relevant existing club certificate was granted or, if it has been renewed, the last time it was renewed.

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- (5) The chief officer of police may not give a notice under sub-paragraph (2) or (3) after the end of the period of 28 days beginning with the day on which he received a copy of the application under sub-paragraph (1).

Determination of application

- 16 (1) This paragraph applies where an application is made in accordance with paragraph 14 and the applicant complies with paragraph 15(1).
- (2) Subject to sub-paragraphs (3) and (5), the licensing authority must grant the application.
- (3) Where a notice is given under paragraph 15(2) or (3) (and not withdrawn), the authority must—
- (a) hold a hearing to consider it, unless the authority, the applicant and the chief officer of police who gave the notice agree that a hearing is unnecessary, and
 - (b) having regard to the notice, reject the application if it considers it necessary for the promotion of the crime prevention objective to do so.
- (4) If the relevant licensing authority fails to determine the application within the period of two months beginning with the day on which it received it, then, subject to sub-paragraph (5), the application is to be treated as granted by the authority under this paragraph.
- (5) An application must not be granted (and is not to be treated as granted under sub-paragraph (4)) if the existing club certificate has ceased to have effect at—
- (a) the time of the determination of the application, or
 - (b) in a case within sub-paragraph (4), the end of the period mentioned in that sub-paragraph.
- (6) Section 10 applies as if the relevant licensing authority's functions under sub-paragraph (3) were included in the list of functions in subsection (4) of that section (functions which cannot be delegated to an officer of the licensing authority).

Notification of determination and issue of new certificate

- 17 (1) Where an application is granted under paragraph 16, the relevant licensing authority must forthwith—
- (a) give the applicant a notice to that effect, and
 - (b) issue the applicant with—
 - (i) a certificate in respect of the premises (“the new certificate”) in accordance with paragraph 18, and
 - (ii) a summary of the new certificate.
- (2) Where an application is rejected under paragraph 16, the relevant licensing authority must forthwith give the applicant a notice to that effect containing a statement of the authority's reasons for its decision to reject the application.
- (3) The relevant licensing authority must give a copy of any notice it gives under sub-paragraph (1) or (2) to the chief officer of police for the police area (or each police area) in which the premises to which the notice relates are situated.

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The new certificate

- 18 (1) The new certificate is to be treated as if it were a club premises certificate (see section 60), and sections 73, 74 and 75 apply in relation to it accordingly.
- (2) The new certificate takes effect on the second appointed day.
- (3) The new certificate must authorise the premises to be used for the existing qualifying club activities.
- (4) Subject to sections 73, 74 and 75, the new certificate must be granted subject to such conditions as reproduce the effect of the conditions subject to which the relevant existing club certificate has effect at the time the application is granted.
- (5) The new certificate must also be granted subject to conditions which reproduce the effect of any restriction imposed on the use of the premises for the existing qualifying club activities by any enactment specified for the purposes of this Part.
- (6) Nothing in sub-paragraph (4) or (5) requires the new certificate to be granted for a limited period.

Commencement Information

- I3** Sch. 8 para. 18(5) in force at 16.12.2003 by S.I. 2003/3222, art. 2, Sch.; Sch. 8 para. 18(1)-(4)(6) in force at 7.2.2005 by S.I. 2004/2360, art. 2, Sch.

Variation of new certificate

- 19 (1) A person who makes an application under paragraph 14 may (notwithstanding that no certificate has yet been granted in consequence of that application) at the same time apply under section 84 for a variation of the certificate, and, for the purposes of such an application, the applicant is to be treated as the holder of that certificate.
- (2) In relation to an application within sub-paragraph (1), the relevant licensing authority may discharge its functions under section 85 only if, and when, the application under this Part has been granted.
- (3) Where an application within sub-paragraph (1) is not determined by the relevant licensing authority within the period of two months beginning with the day the application was received by the authority, it is to be treated as having been rejected by the authority under section 85 at the end of that period.

Existing club certificate revoked after grant of new certificate

- 20 Where the relevant licensing authority grants a new certificate under this Part, that certificate lapses if and when—
- (a) the existing club certificate is revoked before the second appointed day, or
- (b) where an appeal against a decision to revoke it is pending immediately before that day, the appeal is dismissed or abandoned.

Appeals

- 21 (1) Where an application under paragraph 14 is rejected by the relevant licensing authority, the applicant may appeal against that decision.

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- (2) Where a licensing authority grants such an application, any chief officer of police who gave a notice under paragraph 15(2) or (3) (that was not withdrawn) may appeal against that decision.
- (3) Section 181 and paragraph 15(1) and (2) of Schedule 5 (general provision about appeals against decisions under Part 4 of this Act) apply in relation to appeals under this paragraph as they apply in relation to appeals under Part 2 of that Schedule.
- (4) Paragraph 15(3) of that Schedule applies in relation to an appeal under sub-paragraph (2).

False statements

- 22
- (1) A person commits an offence if he knowingly or recklessly makes a false statement in or in connection with an application under paragraph 14.
 - (2) For the purposes of sub-paragraph (1) a person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement.
 - (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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