

1974 No. 433

LOCAL GOVERNMENT, ENGLAND AND WALES
The Local Government (Liquor Licensing) Order 1974

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|-------------------------------|-------|-----------------|
| <i>Made</i> | - - - | 12th March 1974 |
| <i>Laid before Parliament</i> | | 22nd March 1974 |
| <i>Coming into Operation</i> | | 1st April 1974 |

In exercise of the powers conferred on me by section 254 of the Local Government Act 1972(a), I hereby make the following Order:—

Citation, commencement and extent

1.—(1) This Order may be cited as the Local Government (Liquor Licensing) Order 1974 and shall come into operation on 1st April 1974, except that for the purpose of extending the term of office of any member of a committee appointed under section 108 of the Licensing Act 1964(b) this Order shall come into operation forthwith.

(2) This Order does not extend to Greater London.

Interpretation

2.—(1) Any expression in this Order which is also used in the Licensing Act 1964 has the same meaning as in that Act.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Compensation authorities

3.—(1) Any proceedings before a compensation authority, being proceedings which have not been finally disposed of before 1st April 1974, shall be continued and disposed of as if the Local Government Act 1972 had not been passed.

(2) Subject to paragraphs (3) and (4) below, all property and liabilities vested in or attaching to the compensation authority for an existing administrative county specified in column (1) of Schedule 1 to this Order or for an existing county borough (hereafter in this Article referred to as the “transferor authority”) shall by virtue of this Order be transferred to and vest in or attach to the compensation authority for the new county specified in respect of such existing administrative county in column (2) of that Schedule, or in which such existing county borough is comprised, as the case may be (hereafter in this Article referred to as the “transferee authority”).

(3) Any charge payable under section 17 of the Licensing Act 1964 which has been imposed but not paid before 1st April 1974 shall be recoverable by the compensation authority for the new county in which the premises in respect of which the charge is payable are situated as if it had been imposed by that authority.

 (a) 1972 c. 70.

(b) 1964 c. 26.

c. 1889 c. 63.

(4) Where a compensation authority by whom proceedings are disposed of by virtue of paragraph (1) above refuse to renew or transfer an old on-licence, any compensation payable under section 14 of the Licensing Act 1964 shall be paid by the compensation authority for the new county in which the licensed premises are situated.

(5) In relation to the accounts of the transferor authority, any action which had the Local Government Act 1972 not been passed would have fallen to be taken by that authority shall be taken by the transferee authority.

Licensing planning committees

4.—(1) The instruments specified in Schedule 2 to this Order shall have effect subject to the amendments there specified.

(2) The appointment of a member of a licensing planning committee appointed with effect from 1st April 1974 shall be for a term of three years.

Licensed premises committees

5.—(1) Subject to paragraph (2) below, in any order made or having effect as if made under any provision of Schedule 10 to the Licensing Act 1964 any reference to a named licensing district shall—

- (a) where the area, for which the committee to which that order relates is constituted, is situated in one new licensing district, be construed as a reference to that new licensing district; and
- (b) where that area is situated in more than one new licensing district, be construed as a reference to the licensing district of that name as it is on 1st April 1974,

and the provisions in the order as to the appointment of members of the licensed premises committee shall have effect accordingly.

(2) In the Licensed Premises Committee (Central Lancashire New Town) Order 1973—

- (a) references to the licensing district of the County Borough of Preston shall be construed as references to the new licensing district of Preston;
- (b) Article 4 shall be amended by substituting, for the words from “one from among the number of, and by, the licensing justices for the licensing district of Amounderness” to the end, the words “two from among the number of, and by, the licensing justices for the licensing district of Chorley and two from among the number of, and by, the licensing justices for the licensing district of South Ribble”; and
- (c) Article 5(2) shall be amended by substituting, for the words “Amounderness, or the licensing district of Leyland, or the licensing district of Leyland Hundred, or the licensing district of Walton-le-Dale” wherever they appear, the words “Chorley or the licensing district of South Ribble”.

(3) A member of a committee appointed under section 108 of the Licensing Act 1964 whose appointment is for a term which expires on a date which is on or after the date of making of this Order and before 1st April 1974 shall be deemed to be appointed for a term expiring immediately before 1st April 1974.

(4) Notwithstanding any provision of any order made or having effect as if made under Schedule 10 to the Licensing Act 1964, the appointment of a member of such a committee appointed with effect from 1st April 1974 by the

licensing justices for a new licensing district shall be for a term which expires on the date on which the terms of office of the members of that committee appointed by the development corporation for the new town for which the committee is constituted expire.

Roy Jenkins,
One of Her Majesty's Principal,
Secretaries of State.

Home Office,
Whitehall.
12th March 1974.

Article 3

SCHEDULE 1

TRANSFER OF PROPERTY AND LIABILITIES OF
COUNTY COMPENSATION AUTHORITIES

| 1 | 2 |
|--|--|
| Area of transferor authority | Area of transferee authority |
| Any existing administrative county which is wholly comprised in one new county | The new county in which the existing administrative county in question is comprised. |
| Berkshire | Berkshire |
| Brecon | Powys |
| Buckingham | Buckinghamshire |
| Chester | Cheshire |
| Denbigh | Clwyd |
| Durham | Durham |
| East Suffolk | Suffolk |
| East Sussex | East Sussex |
| Glamorgan | Mid-Glamorgan |
| Gloucestershire | Gloucestershire |
| Hampshire | Hampshire |
| Lancaster | Lancashire |
| Lincoln, Parts of Lindsey | Lincolnshire |
| Merioneth | Gwynedd |
| Monmouthshire | Gwent |
| Northumberland | Northumberland |
| Nottinghamshire | Nottinghamshire |
| Somerset | Somerset |
| Staffordshire | Staffordshire |
| Surrey | Surrey |
| Warwickshire | Warwickshire |
| Worcestershire | Hereford and Worcester |
| Yorkshire, East Riding | Humberside |
| Yorkshire, North Riding | North Yorkshire |
| Yorkshire, West Riding | West Yorkshire |

SCHEDULE 2

Article 4

AMENDMENTS TO LICENSING PLANNING AREA ORDERS

1.—(1) The following instruments, that is to say:—

- (a) the Birmingham Licensing Planning Area Order 1945(a);
- (b) the Bristol Licensing Planning Area Order 1945(b);
- (c) the Kingston-upon-Hull Licensing Planning Area Order 1945(c); and
- (d) the Gosport Licensing Planning Area Order 1946(d),

shall have effect as if the areas thereby constituted licensing planning areas comprised respectively the licensing districts of Birmingham, Bristol, Kingston-upon-Hull and Gosport as they are on 1st April 1974.

(2) In Article 3 of each of the above instruments, for the words “local planning authority” there shall be substituted the words “district planning authority”.

2.—(1) The Sheffield Licensing Planning Area Order 1945(e) shall have effect as if the area thereby constituted a licensing planning area comprised the metropolitan district of Sheffield except—

- (a) the existing urban district of Stocksbridge and the existing parishes of Bradfield and Ecclesfield; and
- (b) those parts of the existing city of Sheffield which lie east or south of the broken red line marked x–y on sheet 13 of the map within the meaning of the Sheffield Order 1967(f).

(2) In Article 3 of the said Order of 1945, for the words “local planning authority” there shall be substituted the words “district planning authority”.

3.—(1) The Swansea Licensing Planning Area Order 1945(g) shall have effect as if the area thereby constituted a licensing planning area comprised the licensing district of Swansea as it is on 1st April 1974 with the exception of that part of that district which comprises the existing rural district of Gower.

(2) In Article 3 of that Order, for the words “local planning authority” there shall be substituted the words “district planning authority”.

4.—(1) The Manchester Licensing Planning Area Order 1946(h), as amended by the Manchester Licensing Planning Area Order 1948(i), shall have effect as if the area thereby constituted a licensing planning area comprised the licensing district of Manchester as it is on 1st April 1974 with the exception of that part of that district which comprises the existing parish of Ringway.

(2) In Article 3 of that Order, as so amended, for the words “Council of the City of Manchester” there shall be substituted the words “the district planning authority having jurisdiction therein”.

| | | |
|--------------------------|--------------------------|--------------------------|
| (a) S.R. & O. 1945/1037. | (b) S.R. & O. 1945/1038. | (c) S.R. & O. 1945/1343. |
| (d) S.R. & O. 1946/2073. | (e) S.R. & O. 1945/1045. | (f) S.I. 1967/104. |
| (g) S.R. & O. 1945/1046. | (h) S.R. & O. 1946/1382. | (i) S.I. 1948/1716. |

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes further transitional provision for three categories of bodies constituted by or under the Licensing Act 1964 which are affected by local government reorganisation as from 1st April 1974. It supplements the provisions of the Local Government (Petty Sessional Divisions etc.) Order 1973 (S.I. 1973/1593).

Article 3 provides for the continuation of part-heard proceedings before a compensation authority and for the transfer of the assets and liabilities of such an authority and the rendering of its accounts by the transferee authority.

Article 4 modifies the Orders constituting licensing planning areas so that they are in terms of new licensing districts and provides for the members of licensing planning committees appointed as from 1st April 1974 to hold office for three years from that date.

Article 5 similarly modifies the Orders which govern the constitution of licensed premises committees, extends (with immediate effect) the term of office of members of such committees which would otherwise expire before 1st April 1974 and provides for the term of office of members appointed by licensing justices for a new licensing district to expire at the same time as the terms of office of the other members of the committee (who are not affected by local government reorganisation) expire.

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