
 STATUTORY INSTRUMENTS

1982 No. 1384**LICENSING (LIQUOR)****The Licensing (Special Hours Certificates) Rules 1982**

Made - - - - 28th September 1982

Coming into Operation 1st October 1982

In exercise of the powers conferred upon me by section 91 of the Licensing Act 1964 (a), I hereby make the following Rules:—

1.—(1) These Rules may be cited as the Licensing (Special Hours Certificates) Rules 1982 and shall come into operation on 1st October 1982.

(2) The Licensing (Special Hours Certificates) Rules 1962 (b) are hereby revoked.

2. In these Rules “the Act” means the Licensing Act 1964.

3.—(1) At least seven days before applying to the licensing justices for a special hours certificate the applicant shall give notice in writing to the chief officer of police for the area in which the premises to which the application relates are situated and to the clerk to the licensing justices of his intention to make the application.

(2) A notice under this Rule shall be signed by the applicant or his authorised agent and shall state the address of the licensed premises to which the application relates.

4.—(1) At least seven days before applying to the licensing justices under subsections (2) or (4) of section 81 of the Act (c) for the revocation of a special hours certificate, the chief officer of police shall give notice in writing to the holder of the justices’ licence for the premises to which the certificate relates and to the clerk to the licensing justices of his intention to apply for the revocation of the certificate.

(2) A notice under this Rule shall state the grounds on which the chief officer of police will rely in his application for the revocation of the special hours certificate.

5.—(1) At least seven days before applying to the licensing justices under section 81A(2) of the Act for the imposition on a special hours certificate of the condition mentioned in section 81A(3) of the Act (d), the chief officer of police shall give notice in writing to the holder of the justices’ licence for the premises to which the certificate relates and to the clerk to the licensing justices of his intention to apply for the imposition of the condition.

(2) A notice under this Rule shall state the grounds on which the chief officer of police will rely in his application for this imposition of the condition on the special hours certificate.

(a) 1964 c.26.

(b) S.I. 1962/366.

(c) Section 81(4) was substituted by the Licensing (Amendment) Act 1981 (c.40).

(d) Section 81A was inserted by the Licensing (Amendment) Act 1980 (c.40).

6. On the consideration of an application under subsections (2) or (4) of section 81 or section 81A(2) of the Act the procedure before the licensing justices shall be as nearly as may be the same as in the case of opposition to the renewal of a justices' licence and the provisions of the Act relating to procedure shall apply accordingly with any necessary modifications.

7. Subject as aforesaid the procedure on any application to the licensing justices under section 77 or 81 of the Act shall be the procedure ordinarily adopted on the consideration of an application for the grant of a new justices' licence.

8. A special hours certificate shall be in the form specified in the Schedule to these Rules, or in a form to the like effect.

W. S. I. Whitelaw,
One of Her Majesty's Principal
Secretaries of State.

Home Office.
28th September 1982.

Rule 8

SCHEDULE

FORM OF SPECIAL HOURS CERTIFICATE

LICENSING ACT 1964

Special Hours Certificate

At the licensing sessions held at _____ on the _____ day of _____ 19____, for the _____ Licensing District.

The licensing justices for the said licensing district, being satisfied as respects the licensed premises known as

- (a) that a music and dancing licence is in force as respects the premises; and
- (b) that [the premises are] [the following part of the premises, that is to say, _____ is] structurally adapted and *bona fide* [used] [intended to be used] for the purpose of providing for persons resorting to the premises music and dancing and substantial refreshment to which the sale of intoxicating liquor is ancillary,

hereby grant under section 77 of the Licensing Act 1964 this special hours certificate as respects [the said premises]

[By virtue of section 80 of the Licensing Act 1964 this certificate shall be limited to [the following weekdays, namely _____] [and the] [following part[s] of the year, namely _____]

[By virtue of section 81A of the Licensing Act 1964 this certificate is subject to the following condition:— _____]

Licensing Justices

EXPLANATORY NOTE

(This Note is not part of the Rules.)

Under section 77 of the Licensing Act 1964 licensed premises in England and Wales are entitled, if they fulfil certain conditions, to obtain a special hours certificate from the licensing justices. There are later permitted hours in premises where the certificate is in force. Licensing justices may in certain circumstances attach to the certificate a condition as to the relevant permitted hours. The chief officer of police for the area in which the premises are situated may apply for the revocation of a certificate or for the attachment of a condition to it.

These Rules make provisions as to the procedure on an application for the grant and revocation of, and the attachment of a condition to, a certificate. The Rules are similar to the Licensing (Special Hours Certificates) Rules 1962 which they revoke. The Rules take account of the amendments to the Licensing Act 1964 made by the Licensing (Amendment) Acts of 1980 and 1981.

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