

1988 No. 1338

LICENSING (LIQUOR)

**The Licensing (Special Hours Certificates) (Amendment)
Rules 1988**

Made - - - - - 28th July 1988

Coming into force 22nd August 1988

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

1. These Rules may be cited as the Licensing (Special Hours Certificates) (Amendment) Rules 1988 and shall come into force on 22nd August 1988.

2.—(1) Subject to paragraph (2), the Licensing (Special Hours Certificates) Rules 1982(b) shall have effect subject to the amendments specified in the Schedule to these Rules.

(2) Paragraphs 1(a), 2 and 3 of the Schedule to these Rules shall not apply in connection with any application of which notice has been given to the clerk to the licensing justices under Rule 3(1) of the said Rules of 1982 before the coming into force of these Rules.

Home Office
28th July 1988

Douglas Hurd
One of Her Majesty's Principal Secretaries of State

Rule 2

SCHEDULE

**AMENDMENTS TO THE LICENSING (SPECIAL HOURS CERTIFICATES)
RULES 1982**

1. In rule 3(1)—

- (a) for the word “seven” there shall be substituted the word “twenty-one”; and
- (b) after the word “certificate” there shall be inserted the words “or the variation of any limitation to which such a certificate is subject”.

2. After paragraph (1) of rule 3 there shall be inserted the following paragraph:

“(1A) Not more than twenty-eight days nor less than fourteen days before so applying the applicant shall display notice of his intention to make the application for a period of seven days in a place where it can conveniently be read by the public on or near the premises to which the application relates; and not more than twenty-eight days nor less than fourteen days before so applying (and, if the licensing justices so require, on some day or days outside that

(a) 1964 c.26; section 91 was amended by the Licensing (Amendment) Act 1981 (c.40), section 2, and the Licensing Act 1988 (c.17), Schedule 3, paragraph 11.

(b) S.I. 1982/1384.

period but within such other period as they may require) he shall advertise notice of the proposed application in a newspaper circulating in the place where the premises to which the application relates are situated.”.

3. After rule 3 there shall be inserted the following rule:

“3A. A person intending to oppose an application for the grant of a special hours certificate under section 77(a) of the Act or for the variation of any limitation to which such a certificate is subject under section 78A(4)(b) of the Act shall give notice in writing of his intention to the applicant and to the clerk to the licensing justices, specifying in general terms the grounds of the opposition, not later than seven days before the commencement of the licensing sessions at which the application is to be made, and unless notice has been so given the licensing justices shall not entertain the objection.”.

4. There shall be substituted for rule 5(1) the following paragraph:

“(1) At least seven days before applying to the licensing justices under section 81A(3)(c) of the Act for the attachment to a special hours certificate of a limitation or for the variation of any limitation to which such a certificate is subject, 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 attachment or variation of the limitation as the case may be.”.

5. In rule 5(2) there shall be substituted for the words which follow the word “for” the words “the attachment or variation of the limitation”.

6. In rule 6 for the words “section 81A(2)” there shall be substituted the words “section 81A(3)”.

7. In the form specified in the Schedule there shall be substituted for the final paragraph the following paragraph:

“[By virtue of section [78A] [and] [80] of the Licensing Act 1964 this certificate shall be limited to [the following times of day, namely] [the following weekdays, namely] [and the] [following part[s] of the year, namely] (*where different limitations are imposed for different days, specify accordingly*).”.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Licensing (Special Hours Certificates) Rules 1982 to take account of amendments to the provisions of the Licensing Act 1964 concerning special hours certificates effected by the Licensing Act 1988, which in particular confer a discretion with respect to the grant of such certificates and make fresh provision for the attachment of limitations to them.

(a) Section 77 was amended by the Local Government (Miscellaneous Provisions) Act 1982 (c.30), Schedule 7, Part I and the Licensing Act 1988, section 5(1).

(b) Section 78A was inserted by section 5(2) of the Licensing Act 1988.

(c) Section 81A was substituted by section 5(4) of the Licensing Act 1988.

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