
STATUTORY INSTRUMENTS

1996 No. 977

The Deregulation (Special Hours Certificates) Order 1996

Provisional grant of Special Hours Certificates by Licensing Justices

3. After section 77 of the Licensing Act 1964 there shall be inserted—

“Provisional grant of special hours certificates by licensing justices

77A.—(1) Where, on an application made by a person interested in any premises of in respect of which a grant or provisional grant of a justices' licence has been made and which are to be, or are in the course of being, constructed, altered or extended, the licensing justices are satisfied—

- (a) that a music and dancing licence is in force for the premises, and
- (b) that the whole or any part of the premises is intended to be used, and, if completed in accordance with plans deposited with the licensing justices, will be structurally adapted, 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,

the licensing justices may make a provisional grant, with or without limitations, of a special hours certificate for the premises or, if they are satisfied that part only of the premises is intended to be used or will be adapted as mentioned in paragraph (b) of this subsection, for that part.

(2) Where a special hours certificate has been granted under subsection (1) of this section, the licensing justices may, on application by the person who applied for the certificate, consent to any modification of the deposited plans if, in their opinion, the premises to which the certificate relates will, if completed in accordance with the modified plans, be structurally adapted for the purpose mentioned in paragraph (b) of that subsection.

(3) Where a special hours certificate has been granted under subsection (1) of this section, the licensing justices shall, after such notice has been given as they may require, declare the provisional grant final on being satisfied, in relation to the premises to which the certificate relates—

- (c) that they are, or are part of, licensed premises;
- (d) that they are, or are part of, premises for which a music and dancing licence is in force; and
- (e) that they have been completed in accordance with the deposited plans.

(4) Until a provisional grant under subsection (1) of this section has been declared final under subsection (3) of this section, the certificate to which the provisional grant relates shall not be valid.

(5) Where licensing justices—

- (a) refuse to make a provisional grant of a special hours certificate;
- (b) make a provisional grant of such a certificate with limitations;
- (c) refuse to declare a provisional grant of such a certificate final; or

(d) refuse to give consent, on the application of the person who applied for the certificate, to any modification of the deposited plans,

they shall specify in writing to the applicant their reasons for doing so.

(6) In subsection (1) of this section, references to premises for which a music and dancing licence is in force include premises for which a person holds a music and dancing licence which is subject to a condition that it shall be of no effect until confirmed.

(7) In this section and sections 78ZA and 81B(1) of this Act—

- (a) “deposited plans”, in relation to a special hours certificate, means the plans deposited in connection with the application for the certificate; and
- (b) references to completion in accordance with the deposited plans are, where any modification of those plans has been consented to under subsection (2) of this section or section 78ZA(2) of this Act, to completion in accordance with those plans with that modification.”