

2001 No. 1096

LICENSING (LIQUOR)

The Licensing (Amendment of Various Rules) Rules 2001

Made - - - - - *20th March 2001*

Coming into force - - - *1st April 2001*

The Secretary of State, in exercise of the powers conferred on him by sections 61(1), 91 and 198(2) of the Licensing Act 1964(a), hereby makes the following Rules:

1. This Order may be cited as the Licensing (Amendment of Various Rules) Rules 2001 and shall come into force on 1st April 2001.

2. In—

- (a) rules 1 and 3(1) of, and Form 1 in Schedule 1 to, the Licensing Rules 1961(b),
- (b) rule 2(1) of the Licensing (Extended Hours Orders) Rules 1962(c), and
- (c) rules 3(1), 3A, 4(1) and 5(1) of the Licensing (Special Hours Certificates) Rules 1982(d),

for the word “clerk” there shall be substituted the words “chief executive”.

Home Office
20th March 2001

Mike O'Brien
Parliamentary Under-Secretary of State

(a) 1964 c. 26; section 61(1) was amended by section 1(7) of, and paragraph 3 of Schedule 1 to, the Licensing Act 1988 (c. 17) and section 91 was amended by section 19(1) of, and paragraph 11 of Schedule 3 to, that Act and article 5(1) and (6) of the Deregulation (Special Hours Certificates) Order 1996 (S.I. 1996/977). The 1964 Act is also amended by section 90 of, and paragraphs 36 to 56 of Schedule 13 to, the Access to Justice Act 1999 (c. 22).

(b) S.I. 1961/2477; these Rules have effect as if made under sections 61 and 91 of the Licensing Act 1964 by virtue of paragraph 2 of Schedule 14 to that Act.

(c) S.I. 1962/75. These Rules have effect as if made under section 91 the Licensing Act 1964 by virtue of paragraph 2 of Schedule 14 to that Act; the Rules have been amended but the amending instrument is not relevant to this Order.

(d) S.I. 1982/1384, amended by S.I. 1988/1338 and S.I. 1996/978.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Licensing Rules 1961, the Licensing (Extended Hours Orders) Rules 1962, and the Licensing (Special Hours Certificates) Rules 1982, to transfer the administrative functions of justices' clerks under those Rules to justices' chief executives in line with section 90 of, and Schedule 13 to, the Access to Justice Act 1999 (which implement corresponding transfers in primary legislation).

Subsection (5) of section 90 provides that for the purposes of that section the administrative functions of justices' clerks are all of their functions apart from those which are legal functions within the meaning given by section 48(2) of the Justices of the Peace Act 1997 (c. 25), as substituted by section 89(1) of the 1999 Act.

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