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SCHEDULES.

FIRST SCHEDULE

Section 12.

PROVISIONS AS TO JUSTICES' LICENCES IN SUSPENSE BY REASON OF COMPULSORY ACQUISITION.

Transfer of licences in suspense.

- 1 (1) If while a licence is in suspense the licensing justices for the district in which the premises in respect of which the licence was granted are situated are satisfied that any person other than a holder thereof has an interest in the licence, or that a holder thereof has no interest therein, they shall on the application of any person appearing to them to have such an interest by order transfer the licence to the person or persons appearing to the justices to have such an interest.
- (2) The provisions of the foregoing sub-paragraph shall have effect in addition to, and not in substitution for, the provisions as to transfer of licences of the Licensing Act.

Restoration to full force of licences in suspense.

- 2 (1) The provisions of the Licensing Act and the Licensing Planning (Temporary Provisions) Act, 1945, as to the removal of licences shall apply in relation to a licence in suspense notwithstanding the compulsory acquisition of the premises in respect of which the licence was granted or anything done thereon after the acquisition ; and references in the Licensing Act to the premises in respect of which a licence was granted or from which a licence is to be removed shall be construed accordingly.
- (2) On the authorisation of the removal of a licence in suspense the licence shall come into force for all purposes.
- 3 (1) Where a licence is in suspense and it is proposed to recommence on the same site the business formerly carried on in the premises in respect of which the licence was granted, the holder of the licence may, subject to the provisions of this paragraph, give notice in writing to that effect to the clerk of the licensing justices for the district in which the premises are situated, and on the giving of such a notice the licence shall come into force for all purposes.
- (2) Before a notice is given under this paragraph, application must have been made to the licensing justices for their approval of the fitness of the holder of the licence to be the holder thereof when the licence comes into force for all purposes, and the justices must have granted the application.
- (3) Before a notice is given under this paragraph in the case of an on-licence, plans of any works reasonably necessary to secure the proper conduct of the business must have been submitted to the licensing justices and approved by them, and the licensing justices must have signified their satisfaction that the works have been executed in accordance with the plans approved.

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- 4 (1) A licence in force for all purposes after being in suspense, not being a licence granted for a term, shall, unless previously forfeited or becoming void under the Licensing Act, remain in force until the fifth day of April next following the first annual general licensing meeting after the time when it ceased to be in suspense.
- (2) A licence granted for a term which is in force for all purposes after being in suspense shall, unless previously forfeited or becoming void as aforesaid, remain in force until the fifth day of April next following the expiration of a period, beginning on the last day of the term, equal to the period of suspension :

Provided that where a re-grant of the licence is made before the said fifth day of April and application is made to the confirming authority for confirmation thereof in the same year, this sub-paragraph shall have effect as if for the reference to the said fifth day of April there were substituted a reference to the date on which confirmation of the re-grant is granted or refused.

- (3) In the last foregoing sub-paragraph the reference to the period of suspension of a licence shall be construed, in relation to a licence in suspense under the principal section after being in suspense under section ten of the Finance Act, 1942, as a reference to the aggregate of the periods during which it was in suspense under those sections respectively.

Extinguishment of licences in suspense.

- 5 Where the licensing justices for any district are satisfied as respects any licence granted for premises in that district which is for the time being in suspense—
- (a) that removal of the licence as mentioned in paragraph (b) of subsection (2) of the principal section would no longer be prevented as mentioned in that paragraph, or
 - (b) where it is proposed to recommence the business in question on the same site, that it would be reasonably practicable to carry out any such works as are mentioned in sub-paragraph (3) of paragraph 3 of this Schedule,
- they may by order direct that the licence shall be extinguished at the expiration of such period as may be specified in the order unless under the foregoing provisions of this Schedule it is again in force for all purposes before the expiration of that period.
- 6 Where the premises in respect of which a licence in suspense was granted are in a licensing planning area, proposals of the licensing planning committee made with the agreement thereto of the holder of the licence may provide for the extinguishment of the licence, and on the confirmation of proposals so providing the licence shall be extinguished.
- 7 (1) Where the licensing justices for any district are of opinion, in the case of an old on-licence granted in respect of premises in their district which is in suspense at the time of any general annual licensing meeting, that if the licence had then been in force for all purposes and an application for the renewal thereof had been made at that meeting, the question of the renewal thereof would have required consideration on grounds other than those on which the renewal of an old on-licence can be refused by them, they shall refer to the compensation authority the question of the extinguishment of the licence together with their report thereon.
- (2) The compensation authority shall consider any report so made to them with respect to any licence, and may, if they think it expedient, after giving the holder of the licence and, unless it appears to the compensation authority unnecessary, any other persons

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appearing to them to be interested (including the licensing justices), an opportunity of being heard, extinguish the licence, subject to payment of the like compensation as would have been payable under the Licensing Act if an application for the renewal of the licence had been made, and refused by the compensation authority.

- (3) This paragraph shall not apply in relation to a licence granted in respect of premises in a licensing planning area.
- (4) Sections twenty, twenty-one and forty-seven of the Licensing Act shall have effect with the requisite modifications in relation to the extinguishment of old on-licences under this paragraph as they have effect in relation to the refusal of renewal of such licences by the compensation authority.
- 8 (1) If a discontinuance of business by virtue of which a licence becomes a licence in suspense occurs, or has occurred, between the date of a general annual licensing meeting and the fifth day of April next following, and—
- (a) in proceedings taken in relation to any objection to the renewal of the licence made at that meeting on grounds relating to the conduct of the holder of the licence or to his fitness to be the holder thereof, or
- (b) in proceedings taken in relation to any reference to the compensation authority of the question of the renewal of the licence at that meeting,
- the renewal of the licence is or has been refused, the licence shall be, or be deemed to have been, extinguished, and where the renewal is refused in such proceedings as are mentioned in head (b) of this sub-paragraph, sub-paragraph (4) of the last foregoing paragraph shall apply as if the licence had been extinguished under that paragraph.
- (2) A licence subsisting by virtue of a provisional renewal pending a reference to the compensation authority and becoming a licence in suspense shall be, or be deemed to have been, extinguished upon a refusal of the renewal by the compensation authority.
- 9 If His Majesty by Order in Council declares that the removal of licences as mentioned in paragraph (b) of subsection (2) of the principal section is in general no longer prevented as mentioned in that paragraph, every licence in suspense at the date of the Order in Council shall be extinguished at the expiration of such period as may be specified therein unless under the foregoing provisions of this Schedule it is again in force for all purposes before the expiration of that period.
- 10 The licensing justices may, if application is made to them in that behalf, extend the period specified in an order made by them under paragraph 5 of this Schedule, or, in relation to any particular licence, the period specified in an Order in Council made under the last preceding paragraph.

Supplementary Provisions.

- 11 The provisions of sections twenty-nine to thirty-two. of the Licensing Act as to appeal against a refusal of licensing justices to grant a renewal of a licence shall have effect with the requisite modifications in relation to a refusal of licensing justices under paragraph 3 of this Schedule to approve the fitness of the holder of a licence, to approve plans or to signify their satisfaction as to works having been executed, in relation to an order under paragraph 5 of this Schedule, and in relation to a refusal of licensing justices to grant an application under the last foregoing paragraph.
- 12 Any power exercisable by licensing justices under paragraph 3, 5 or 10 of this Schedule may be exercised at a general annual licensing meeting or at any transfer sessions.

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- 13 Paragraph 15 of Part I of the Sixth Schedule to the Finance Act, 1942 (which makes provision for the practice under that Schedule) shall apply for the purposes of this Schedule as it applies for the purposes of that Schedule.
- 14 (1) In this Schedule the following expressions have the meanings hereby respectively assigned to them, that is to say—
- " licence " means a justices' licence ;
 - " licensing planning area " means an area which is for the time being a licensing planning area for the purposes of the Licensing Planning (Temporary Provisions) Act, 1945, and " licensing planning committee " shall be construed accordingly ;
 - " the Licensing Act " means the Licensing (Consolidation) Act, 1910.
- (2) Expressions in this Schedule which are used in the Licensing Act have the same meanings in this Schedule as in that Act.
- (3) References in this Schedule to a licence in suspense shall, except where the context otherwise requires, be construed as references to a licence in suspense by virtue of the principal section.