

Draft Order laid before Parliament under section 4(2) of the Regulatory Reform Act 2001 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2002 No.

REGULATORY REFORM

The Regulatory Reform (Golden Jubilee Licensing) Order 2002

Made - - - - 2002
Coming into force - - 2002

Whereas:

- (a) the Secretary of State is of the opinion that this Order does not remove any necessary protection or prevent any person from continuing to exercise any right or freedom which he might reasonably expect to continue to exercise;
- (b) this Order creates burdens affecting persons in the carrying on of certain activities, and the Secretary of State is of the opinion that the provisions of this Order, taken as a whole, strike a fair balance between the public interest and the interests of the persons affected by the burdens being created, and that the extent to which this Order removes or reduces burdens or has other beneficial effects for persons affected by the burdens imposed by the existing law makes it desirable for this Order to be made;
- (c) the Secretary of State has consulted such organisations as appear to the Secretary of State to be representative of interests substantially affected by the Secretary of State's proposals, statutory bodies whose functions are related to those proposals, organisations representative of such bodies, the National Assembly for Wales and such other persons as the Secretary of State considers appropriate;
- (d) it appears to the Secretary of State that it is appropriate, following that consultation, to proceed with the making of this Order;
- (e) a document setting out the Secretary of State's proposals has been laid before Parliament as required by section 6 of the Regulatory Reform Act 2001⁽¹⁾ and the period for Parliamentary consideration under section 8 of that Act has expired;
- (f) the Secretary of State has had regard to the representations made during that period;
- (g) a draft of this Order has been laid before Parliament with a statement giving details of those representations and the changes to the Secretary of State's proposals in the light of them; and
- (h) a draft of this Order has been approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State, in exercise of the powers conferred upon her by section 1 of the Regulatory Reform Act 2001, hereby makes the following Order:

(1) 2001 c. 6.

1.—(1) This Order may be cited as the Regulatory Reform (Golden Jubilee Licensing) Order 2002 and shall come into force on the day after the day on which it is made.

(2) This Order extends to England and Wales.

2.—(1) The Regulatory Reform (Special Occasions Licensing) Order 2001(2) is amended as follows.

(2) For article 4(2) substitute:

“The Special Occasions licensing hours are the period between—

- (a) the end of the permitted hours in the premises on 3rd June 2002; and
- (b) one o'clock in the morning on 4th June 2002.”

(3) In article 4(3) for “31st December 2001” substitute “3rd June 2002”.

(4) In article 4(4) omit the words “or begin”.

(5) After article 5(4) insert:

“(4A) The power conferred on licensing justices by paragraph (4)(a) may be exercised otherwise than at licensing sessions.”

(6) After article 5(8) insert:

“(9) The Schedule to this Order (appeals against restriction orders) shall have effect.”

(7) In article 6(1) after the words “shall give” insert “at least 5 days' ”.

(8) Omit article 6(3).

(9) In article 8(1) for “31 December and 1 January” substitute “3rd and 4th June 2002”.

(10) At the end of the Order insert the following:

“SCHEDULE

Article 5(9)

Special Occasions restrictions orders: appeals

1. Any holder of a justices' licence, any club or any proprietor of a theatre aggrieved by a decision of licensing justices or a magistrates' court—

- (a) granting a Special Occasions restrictions order, or
- (b) as to the terms on which such an order is granted,

may appeal to the Crown Court against the decision.

2. On an appeal under this Schedule the applicant for the order against which the appeal is brought shall be respondent in addition to the licensing justices or justices, as the case may be.

3. Where an appeal is brought under this Schedule, the order shall remain in force pending the disposal of the appeal.

4. The judgment of the Crown Court on any appeal under this Schedule shall be final.”

2002

Parliamentary Under-Secretary of State
Department for Culture, Media and Sport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 1 of the Regulatory Reform Act 2001. It reforms the law relating to licensing hours which has the effect of imposing burdens on people carrying out certain activities with a view to reducing those burdens on the occasion of Her Majesty's Golden Jubilee. It does so by amending provisions in the Regulatory Reform (Special Occasions Licensing) Order 2001 to allow the sale of intoxicating liquor in licensed premises other than off-licences, in registered clubs and in licensed canteens in the period between what would otherwise be the end of the permitted hours on 3rd June 2002 and 1 am on 4th June 2002.

Provision is made for any holder of a justices' licence, any club or any proprietor of a theatre to appeal against a Special Occasions restriction order, which can be made under the Regulatory Reform (Special Occasions Licensing) Order 2001.