



Licensing Act 1964

1964 CHAPTER 26

PART I

THE GENERAL LICENSING SYSTEM

Duration of Licences

26 Duration of licences

- (1) Subject to the following provisions of this section and to sections 27, 133(3) and 142(3) of this Act, a justices' licence—
 - (a) shall be granted to have effect from the time of the grant until the end of the licensing year or, if it is granted in the last three months of a licensing year, until the end of the following licensing year; but
 - (b) shall be superseded on the coming into force of a licence granted by way of renewal, transfer or removal of it.
- (2) A justices' licence granted by way of transfer or removal may be granted to have effect from a time specified in the grant (not being earlier, where it is granted before the coming into force of the licence transferred or removed, than the time of the coming into force of that licence).
- (3) In the case of a licence granted provisionally, subsection (1) of this section shall apply as if the licence were granted at the time when it is declared final, but a transfer of such a licence may be granted so as to have effect for the purpose of superseding that licence from a date before it is declared final, and, if so granted, shall as regards its duration and coming into force be subject to the same provisions as if it were the licence transferred.
- (4) Where on the renewal or transfer of a licence the licensing justices attach new conditions (whether in addition to or in substitution for any conditions previously attached) the justices may, on such terms as they think just, suspend the operation of those conditions in whole or in part pending the determination of any appeal against

the decision to attach them or pending the consideration of the question of bringing such an appeal.

- (5) In this section " licensing year " means the twelve months beginning with 5th April in any year.

27 Effect on duration of opposition to grant of licence

- (1) The provisions of this section shall have effect where on an application to licensing justices for the grant of a new justices' licence, or for the grant of a licence by way of ordinary removal of a justices' licence, a person appears before the licensing justices and opposes the grant, but the justices grant the licence.
- (2) Until the expiry of the time for bringing an appeal against the grant and, if such an appeal is brought, until the appeal has been disposed of.—
 - (a) the licence granted shall not come into force ;
 - (b) where the grant is by way of ordinary removal and the licence which it is sought to remove is in force at the time of the grant, the licence shall not expire unless the licensing justices otherwise direct.
- (3) If on appeal the grant is confirmed or if the appeal is abandoned, the time when the appeal is disposed of shall be substituted for the time of the grant for the purpose of determining the period for which the licence is to have effect, and quarter sessions shall (if need be) amend the licence accordingly.
- (4) If there is an appeal against the grant of an ordinary removal, and the licence which it is sought to remove is in force on the day when notice of appeal is given to the applicant for the removal, then—
 - (a) he may within seven days of that day give notice in writing to the clerk of the peace of his desire that the expiry of that licence shall be postponed for a specified period (not exceeding three weeks) after the appeal is disposed of, and if he does so, subsection (2) of this section shall apply until the expiry of that period;
 - (b) whether or not he gives such a notice, quarter sessions, if they confirm the grant and if he so requests, may by their order direct that that subsection shall continue to apply for such further period as they think fit;
 - (c) if quarter sessions refuse to confirm the grant, and at the time of their decision it is too late to renew that licence at the general annual licensing meeting at which it was due for renewal, then—
 - (i) the holder of the licence shall be treated as having had reasonable cause for not applying for renewal at that meeting, and the licence may be renewed at transfer sessions accordingly; and
 - (ii) if notice has been given under paragraph (a) of this subsection, and within the period for which the licence is continued in force by that paragraph notice is given to the clerk to the licensing justices of an application for the renewal of the licence at the first licensing sessions held not less than twenty-one days after the notice is given, the licence shall not expire until the application is disposed of or those sessions end without its being made.