



Licensing Act 1964 (repealed)

1964 CHAPTER 26

PART III

PERMITTED HOURS

Special hours certificates

76 Permitted hours where special hours certificate in force.

- (1) This section applies to licensed premises or premises in respect of which a club is registered, or part of any such premises, during the time that—
- there is in force for the premises or part a special hours certificate granted under the following provisions of this Part of this Act; and
 - the section is applied, under subsection (7) of this section, to the premises or part, by the holder of the licence or, as the case may be, the secretary of the club.
- (2) Subject to the following provisions of this section, the permitted hours on weekdays . . .^{F1} in any premises or part of premises to which this section applies shall [^{F2}extend until] two o'clock in the morning following, except that—
- the permitted hours shall end at midnight . . .^{F3} on any day on which music and dancing is not [^{F4}or, in the case of casino premises, gaming facilities are not] provided after midnight; and
 - on any day that music and dancing end [^{F5}or, in the case of casino premises, gaming ends] between midnight and two o'clock in the morning, the permitted hours shall end when the music and dancing end [^{F6}or, as the case may be, when the gaming ends][^{F7}; and
- ^{F8}(c) [in any premises or part for which a certificate is in force subject to a limitation imposed in pursuance of section 78A or 81A of this Act, the permitted hours on any day to which the limitation relates shall not extend beyond the time specified in the certificate.]]

Status: Point in time view as at 19/03/2001.

Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed), Cross Heading: Special hours certificates. (See end of Document for details)

[^{F9}(2A) In relation to the morning on which summer time begins, subsection (2) of this section shall have effect—

- (a) with the substitution of references to three o'clock in the morning for references to two o'clock in the morning; and
- (b) where the permitted hours in any premises or part of premises extend to a time between one o'clock and two o'clock in the morning by virtue of a limitation in the special hours certificate imposed pursuant to section 78A or 81A of this Act, as if the permitted hours extended to one hour after that specified in the certificate.]

(3) In relation to premises which are situated in any part of the metropolis outside the City of London which is specified for the purposes of this subsection by an order of the Secretary of State, subsection (2) of this section shall have effect

[^{F10}(a) except in relation to the morning on which summer time begins,]

with the substitution of references to three o'clock in the morning for the references to two o'clock in the morning [^{F11}, and

- (b) in relation to that morning, with the substitution of references to four o'clock in the morning for the references to two o'clock in the morning.]

[^{F12}(3A) Subject to the following provisions of this section, the permitted hours on Sundays in any premises or part of premises to which this section applies shall extend until thirty minutes past midnight in the morning following, except that—

- (a) the permitted hours shall end at midnight on any Sunday on which music and dancing is not or, in the case of casino premises, gaming facilities are not provided after midnight;
- (b) where music and dancing end or, in the case of casino premises, gaming ends between midnight on any Sunday and thirty minutes past midnight, the permitted hours on that Sunday shall end when the music and dancing end or, as the case may be, when the gaming ends; and
- (c) in any premises or part for which a certificate is in force subject to a limitation imposed in relation to Sundays in pursuance of section 78A or 81A of this Act, the permitted hours shall not extend beyond the time specified in the certificate.

(3B) In relation to any Sunday which falls immediately before a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971 ^{F13}, other than Easter Sunday, subsection (3A) shall have effect—

- (a) in the case of premises which are situated as mentioned in subsection (3), with the substitution for the references to thirty minutes past midnight in the morning following of references to three o'clock in the morning following; and
- (b) in the case of any other premises, with the substitution for the references to thirty minutes past midnight in the morning following of references to two o'clock in the morning following.]

(4) Where the permitted hours are fixed by this section, section 63(1) of this Act shall apply to the consumption of liquor on the premises as if in paragraph (a) thereof half an hour were substituted for [^{F14}twenty] minutes and paragraph (b) thereof were omitted.

(5) ^{F15}

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- (6) Where a special hours certificate for any premises or part of premises is limited to particular days in every week, this section does not affect the permitted hours in the premises on days on which the certificate does not apply.
- [^{F16}(6A) Subsections (3A) and (3B) shall not apply to a certificate granted before the coming into force of those subsections or to a certificate granted after that time that does not extend to Sundays; but any such certificate may be varied by the licensing justices or, as the case may be, magistrates' court on the application of the licensee or club.]
- (7) The holder of the licence or, as the case may be, the secretary of the club, may apply this section, or terminate its application, from such day as he may fix by notice in writing to the chief officer of police served not less than fourteen days before that day.
- [^{F17}(8) In this section, references to summer time are to the period of summer time for the purposes of the ^{M1}Summer Time Act 1972.]

Textual Amendments

- F1** Words repealed by [Licensing \(Amendment\) Act 1985 \(c. 40, SIF 68A:1\), s. 1\(3\)](#)
- F2** Words substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\), s. 1\(6\)](#)
- F3** Words repealed by [Licensing \(Amendment\) Act 1985 \(c. 40, SIF 68A:1\), s. 1\(3\)](#)
- F4** Words in [s. 76\(2\)\(a\)](#) inserted (3.4.1997) by [S.I. 1997/950, art. 4\(2\)\(a\)](#)
- F5** Words in [s. 76\(2\)\(b\)](#) inserted (3.4.1997) by [S.I. 1997/950, art. 4\(2\)\(b\)](#)
- F6** Words in [s. 76\(2\)\(b\)](#) inserted (3.4.1997) by [S.I. 1997/950, art. 4\(2\)\(c\)](#)
- F7** Word inserted by [Licensing \(Amendment\) Act 1980 \(c. 40, SIF 68A:1\), s. 2](#)
- F8** [S. 76\(2\)\(c\)](#) substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\), s. 19, Sch. 3 para. 8](#)
- F9** [S. 76\(2A\)](#) inserted (1.5.1996) by [S.I. 1996/977, art. 2\(2\)](#)
- F10** Words in [s. 76\(3\)](#) inserted (1.5.1996) by [S.I. 1996/977, art. 2\(3\)\(a\)](#)
- F11** Words in [s. 76\(3\)](#) inserted (1.5.1996) by [S.I. 1996/977, art. 2\(3\)\(b\)](#)
- F12** [S. 76\(3A\)\(3B\)](#) inserted (19.3.2001) by [S.I. 2001/920, art. 2, Sch. para. 6\(2\)](#)
- F13** [1971 c. 80.](#)
- F14** Word substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\), s. 19, Sch. 3 para. 8\(b\)](#)
- F15** [S. 76\(5\)](#) repealed by [Licensing \(Amendment\) Act 1976 \(c. 18, SIF 68A:1\), s. 1](#)
- F16** [S. 76\(6A\)](#) inserted (19.3.2001) by [S.I. 2001/920, art. 2, Sch. para. 6\(3\)](#)
- F17** [S. 76\(8\)](#) inserted (1.5.1996) by [S.I. 1996/977, art. 2\(4\)](#)

Marginal Citations

- M1** [1972 c.6](#)

77 Special hours certificates for licensed premises.

If, on an application made to the licensing justices with respect to licensed premises . . .
^{F18} the justices are satisfied—

- [^{F19}(a) that the premises are—
- (i) casino premises, or
 - (ii) premises for which a music and dancing licence is in force, and
- (b) that the whole or any part of the premises is structurally adapted, and bona fide used, or intended to be used, for the purpose of providing for persons resorting to the premises—
- (i) in the case of casino premises, gaming facilities and substantial refreshment, and

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(ii) in the case of any other premises, music and dancing and substantial refreshment,

to which the sale of intoxicating liquor is ancillary,]

the licensing justices [^{F20}may] grant [^{F21}, with or without limitations,] a special hours certificate for the premises or, if they are satisfied that part only of the premises is adapted or used or intended to be used as mentioned in paragraph (b) of this section, for that part.

Textual Amendments

F18 Words repealed by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), [Sch. 7 Pt. 1](#)

F19 [S. 77\(a\)\(b\)](#) substituted (3.4.1997) by [S.I. 1997/950, art. 2](#)

F20 Word substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), [s. 5\(1\)\(a\)](#)

F21 Words inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), [s. 5\(1\)\(b\)](#)

[^{F22}77A Provisional grant of special hours certificates by licensing justices

(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—

[that the premises are—

^{F23}(a) (i) casino premises, or

(ii) premises for which a music and dancing licence is in force,]

(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,

[in the case of casino premises, gaming facilities and substantial ^{F24}(i) refreshment, and

(ii) in the case of any other 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;

[that they are, or are part of—

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- ^{F25}(b) (i) casino premises, or
(ii) premises for which a music and dancing licence is in force;]
(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 ^{F26} 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.]

Textual Amendments

F22 S. 77A inserted (1.5.1996) by S.I. 1996/977, art. 3

F23 S. 77A(1)(a) substituted (3.4.1997) by S.I. 1997/950, art. 3(2)

F24 Words in s. 77A(1)(b) substituted (3.4.1997) by S.I. 1997/950, art. 3(3)

F25 S. 77A(3)(b) substituted (3.4.1997) by S.I. 1997/950, art. 3(4)

F26 Inserted by the Licensing Act 1988 (c.17).

78 Special hours certificates for clubs.

If, on an application made to the magistrates’ court with respect to premises in respect of which a club is or is to be registered, . . . ^{F27} the court is satisfied—

- (a) that a certificate granted under section 79 of this Act is in force for the premises, and
(b) that the whole or any part of the premises is structurally adapted, and bona fide used, or intended to be used, for the purpose of providing for the members of the club music and dancing and substantial refreshment to which the supply of intoxicating liquor is ancillary,

the court [^{F28}may] grant [^{F29}, with or without limitations,] a special hours certificate for the premises or, if the court is satisfied that part only of the premises is adapted or used or intended to be used as mentioned in paragraph (b) of this section, for that part.

Status: Point in time view as at 19/03/2001.

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Textual Amendments

- F27** Words repealed by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), [Sch. 7 Pt. 1](#)
- F28** Word substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), [s. 5\(1\)\(a\)](#)
- F29** Words inserted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), [s. 5\(1\)\(b\)](#)

[^{F30}78ZAProvisional grant of Special Hours Certificates by Magistrates' Court

- (1) Where, on an application made to the magistrates' court with respect to premises in respect of which a club is or is to be registered and which are to be, or are in the course of being altered or extended, the court is satisfied—
- (a) that a certificate granted under section 79 of this Act 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 court, will be structurally adapted, for the purpose of providing for the members of the club music and dancing and substantial refreshment to which the supply of intoxicating liquor is ancillary,
- the court may make a provisional grant, with or without limitations, of a special hours certificate for the premises or, if the court is 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 magistrates' court may, on application by the person who applied for the certificate, consent to any modification of the deposited plans if, in its 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 magistrates' court shall, after such notice has been given as it may require, declare the provisional grant final on being satisfied, in relation to the premises to which the certificate relates—
- (a) that they are, or are part of, premises in respect of which a club is or is to be registered;
 - (b) that they are, or are part of, premises for which a certificate granted under section 79 of this Act is in force; and
 - (c) that the premises 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 a magistrates' court—
- (a) refuses to make a provisional grant of a special hours certificate;
 - (b) makes a provisional grant of such a certificate with limitations;
 - (c) refuses to declare a provisional grant of such a certificate final; or
 - (d) refuses to give consent, on the application of the person who applied for the certificate, to any modification of the deposited plans,
- it shall specify in writing to the applicant its reasons for doing so.]

Status: Point in time view as at 19/03/2001.

Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed), Cross Heading: Special hours certificates. (See end of Document for details)

Textual Amendments

F30 S. 78ZA inserted (1.5.1996) by 1996/977, art. 4

[^{F31}78A Limitations on special hours certificates.

- (1) On an application for a special hours certificate the licensing justices or, as the case may be, the magistrates' court may grant a certificate under section 77 [^{F32}, 77A, 78 or 78ZA] of this Act limited in any of the following respects.
- (2) The limitations referred to are limitations—
 - (a) to particular times of the day;
 - (b) to particular days of the week;
 - (c) to particular periods of the year.
- (3) Different limitations may be imposed by virtue of subsection (2)(a) above for different days.
- (4) Where a special hours certificate is subject to limitations under this section the licensing justices or, as the case may be, the magistrates' court may, on the application of the licensee or the club, vary any limitation to which it is so subject.]
- [^{F33}(5) Subsections (6) to (9) apply to an application to the licensing justices or, as the case may be, the magistrates' court for the grant of a special hours certificate which extends to Sundays or for the variation of a limitation so as to affect the operation of a special hours certificate in relation to Sundays.
- (6) Not less than twenty-one days before making such an application to licensing justices, a person shall give notice to the relevant local authority.
- (7) In considering whether to grant or vary a certificate in the manner described in subsection (5), the licensing justices or, as the case may be, the magistrates' court shall (without prejudice to other functions in relation to the grant or variation) consider the exercise of the power to limit the certificate—
 - (a) to days not including Sunday, or
 - (b) to different times of the day on Sundays and on other days.
- (8) In discharging their function under subsection (7), the licensing justices or, as the case may be, the magistrates' court shall take account of—
 - (a) the special nature of Sunday, and
 - (b) any guidance on that special nature issued by the Secretary of State.
- (9) Where the licensing justices or, as the case may be, the magistrates' court grant a special hours certificate which extends to Sundays or vary a limitation so as to affect the operation of such a certificate in relation to Sundays in spite of an objection from a relevant local authority which is based on the residential character of the area in which the premises are situated, they shall state their reasons for doing so.
- (10) In this section "relevant local authority" has the same meaning as in section 71(5) of this Act.]

Status: Point in time view as at 19/03/2001.

Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed), Cross Heading: Special hours certificates. (See end of Document for details)

Textual Amendments

- F31** S. 78A inserted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 5(2)
F32 Words in s. 78A substituted (1.5.1996) by S.I. 1996/977, art. 5(2)
F33 S. 78A(5)-(10) inserted (19.3.2001) by S.I. 2001/920, art. 2, Sch. para. 7

79 Licensing authority's certificate of suitability of club premises for music and dancing.

- (1) If, on an application by the secretary of a club with regard to any premises in respect of which the club is or proposes to be registered [^{F34}, the licensing authority under the statutory regulations for music and dancing] are satisfied that the premises (whether or not they are kept or intended to be kept for dancing, music or other public entertainment of the like kind) in all other respects fulfil the authority's requirements for the grant of a music and dancing licence, the authority may grant a certificate for the premises under this section.
- (2) The authority may grant a certificate under this section on such terms, and subject to such conditions or restrictions, as they think fit; and, subject to the following provisions of this section, the certificate shall remain in force for such period as may be specified therein.
- (3) The authority may, on the application of the secretary of the club, from time to time renew a certificate granted under this section; and subsections (1) and (2) of this section shall apply to the renewal as they apply to the grant of a certificate.
- (4) The authority may, on the application of the secretary of the club, waive or modify any condition or restriction subject to which a certificate has been granted or renewed under this section.
- (5) If, while a certificate under this section is in force, it appears to the authority—
 - (a) that any condition or restriction subject to which the certificate was granted or last renewed, as the case may be, has not been complied with or, in the case of a condition or restriction that has been modified under subsection (4) of this section, that the condition or restriction as so modified has not been complied with, and
 - (b) that the condition or restriction has not been waived under that subsection,
 the authority may give the secretary of the club notice in writing that they propose to revoke the certificate, specifying the ground upon which they propose to revoke it, and shall give him an opportunity of being heard by a person appointed by the authority for the purpose.
- (6) The authority may, not less than seven days after the giving of a notice under subsection (5) of this section and, if the secretary avails himself of the opportunity of being heard, after considering the report of the person appointed to hear the secretary, revoke the certificate.
- [^{F35}(7) On any application for the grant or renewal of a certificate, or the waiver or modification of a condition or restriction in a certificate, under this section, the applicant shall pay a reasonable fee determined by the authority.]

Status: Point in time view as at 19/03/2001.

Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed), Cross Heading: Special hours certificates. (See end of Document for details)

Textual Amendments

- F34** Words substituted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), [Sch. 2, para. 5](#)
- F35** [S. 79\(7\)](#) added by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), [s. 6\(2\)](#) (the original [s. 79\(7\)](#) having been repealed by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), [Sch. 7 Pt. I](#))

Modifications etc. (not altering text)

- C1** [S. 79](#): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\)](#), [Sch. 1 para. B14](#)

80 Special hours certificates limited to particular days or parts of the year.

- (1) Where a special hours certificate is granted for any premises or part of premises which are used or intended to be used only on particular [^{F36}days] for the provision of music and dancing and substantial refreshment the certificate shall be limited to those days in the week on which it is shown to the satisfaction of the licensing justices or magistrates' court granting it that music and dancing and refreshment are, or are intended to be, provided as required by section 77 [^{F37}, 77A, 78 or 78ZA] of this Act.
- [^{F38}(1A) Where a special hours certificate is granted for any premises or part of premises which —
- (a) are, or are part of, casino premises; and
 - (b) are used or intended to be used only on particular [^{F36}days] for the provision of gaming facilities and substantial refreshment,
- the certificate shall be limited to those days in the week on which it is shown to the satisfaction of the licensing justices that gaming facilities and refreshment are, or are intended to be, provided as required by section 77 or 77A of this Act.]
- (2) ^{F39}
- (3) So long as the justices' licence in force for any premises is a seasonal licence, any special hours certificate for those premises or any part of them shall be taken, except in so far as it is granted for a more restricted period under [^{F40}section 78A of this Act], to extend, but only to extend, to the season during which there are permitted hours in the premises under the condition attached to the licence under section 64 of this Act.
- (4) On the variation or revocation of the condition referred to in subsection (3) of this section, the licensing justices shall, if need be, vary the special hours certificate so as to secure that it does not operate except as respects any period or periods during which it is shown to their satisfaction that it is intended to use the premises or part in question as mentioned in section 77 [^{F41}or, as the case may be, 77A] of this Act.

Textual Amendments

- F36** Words in [s. 80\(1\)\(1A\)](#) substituted (19.3.2001) by [S.I. 2001/920, art. 2](#), [Sch para. 8](#)
- F37** Words in [s. 80\(1\)](#) substituted (1.5.1996) by [S.I. 1996/977, art. 5\(3\)\(a\)](#)
- F38** [S. 80\(1A\)](#) inserted (3.4.1997) by [S.I. 1997/950, art. 4\(3\)](#)
- F39** [S. 80\(2\)](#) repealed by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), [ss. 5\(3\)\(a\), 19](#), [Sch. 4](#)
- F40** Words substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), [s. 5\(3\)\(b\)](#)
- F41** Words in [s. 80\(4\)](#) inserted (1.5.1996) by [S.I. 1996/977, art. 5\(3\)\(b\)](#)

Status: Point in time view as at 19/03/2001.

Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed), Cross Heading: Special hours certificates. (See end of Document for details)

81 Revocation of special hours certificates.

- (1) If at any time while a special hours certificate is in force [^{F42}there is not also in force for the premises to which or part of which the certificate relates—
- (a) where the special hours certificate is granted by virtue of section 77(a)(i) or 77A(3)(b)(i) of this Act, a licence under the Gaming Act 1968, and
 - (b) where the special hours certificate is granted by virtue of section 77(a)(ii) or 77A(3)(b)(ii) of this Act, a music and dancing licence or, as the case may be, a certificate under section 79 of this Act,

the special hours certificate shall thereby be revoked.]

[^{F43}(1A) Where a special hours certificate is revoked under subsection (1) above as a consequence of—

- (a) an application for the renewal of a licence being refused under paragraph 6A(2) of Schedule 1 to the ^{M2}Local Government (Miscellaneous Provisions) Act 1982 or paragraph 2A(2) of Schedule 12 to the ^{M3}London Government Act 1963; or
- (b) a licence being revoked under paragraph 11A(2) or 12(5) of Schedule 1 or paragraph 9A(2) or 10(4A) of Schedule 12,

the certificate shall be reinstated if the licence is subsequently renewed under paragraph 17 of Schedule 1 or paragraph 19 of Schedule 12 or if the licence is subsequently reinstated under paragraph 11A(4) or 17 of Schedule 1 or paragraph 9A(4) or 19 of Schedule 12.]

- (2) At any time while a special hours certificate for any premises or part of premises is in force, the chief officer of police may apply to the licensing justices or, if it was granted under section 78 [^{F44}or 78ZA] of this Act, to the magistrates' court, for the revocation of the certificate on the ground that, while the certificate has been in force—
- (a) the premises have not, or the part has not, been used as mentioned in section 77 [^{F45}, 77A, 78 or, as the case may be, 78ZA] of this Act; or
 - (b) a person has been convicted of having at those premises or that part contravened section 59 of this Act;

or that on the whole the persons resorting to the premises or part are there, at times when the sale or supply of intoxicating liquor there is lawful by virtue only of the certificate, for the purpose of obtaining intoxicating liquor rather than for [^{F46}an appropriate purpose]; and if the licensing justices or magistrates' court are satisfied that the ground of the application is made out they may revoke the certificate.

[^{F47}(2A) For the purposes of subsection (2) of this section, the following are appropriate purposes—

- (a) in the case of casino premises, gaming and the obtaining of refreshments other than intoxicating liquor,
- (b) in the case of any other premises, dancing and the obtaining of such refreshments]

- (3) Where a special hours certificate is revoked under subsection (2) of this section in consequence of a contravention of section 59 of this Act, no special hours certificate shall be valid in relation to the premises or part in question, if it is issued on an application made earlier than two months after the date of the revocation or made earlier than such later time, if any (not being more than twelve months after that date) as may be specified in the order revoking the certificate.

Status: Point in time view as at 19/03/2001.

Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed), Cross Heading: Special hours certificates. (See end of Document for details)

[^{F48}(4) At any time while a special hours certificate for any premises or for part of any premises is in force, the chief officer of police may apply to the licensing justices or, if it was granted under section 78 [^{F49}or 78ZA] of this Act, to the magistrates' court, for the revocation of the certificate on the ground that the revocation is expedient by reason of the occurrence of disorderly or indecent conduct in the premises or part to which the certificate relates; and if the licensing justices or the magistrates' court, as the case may be, are satisfied that the ground of the application is made out, they shall revoke the certificate.]

Textual Amendments

- F42** Words in s. 81(1) substituted (3.4.1997) by S.I. 1997/950, art. 4(4)(a)
F43 S. 81(1A) inserted (1.5.1998) by 1997 c. 49, s. 3; S.I. 1998/1009, art. 2
F44 Words in s. 81(1) substituted (1.5.1996) by S.I. 1996/977, art. 5(4)(a)(i)
F45 Words in s. 81(2)(a) substituted (1.5.1996) by S.I. 1996/977, art. 5(4)(a)(ii)
F46 Words in s. 81(2) substituted (3.4.1997) by S.I. 1997/950, art. 4(4)(b)
F47 S. 81(2A) inserted (3.4.1997) by S.I. 1997/950, art. 4(4)(c)
F48 S. 81(4) substituted by Licensing (Amendment) Act 1981 (c. 40, SIF 68A:1), s. 1
F49 Words in s. 81(4) inserted (1.5.1996) by S.I. 1996/977, art. 5(4)(b)

Marginal Citations

- M2** 1982 c. 30.
M3 1963 c. 33.

[^{F50}81A Special hours certificates: further powers to impose limitations as to hours.

- (1) Limitations to particular times of the day may also be attached to special hours certificates by licensing justices or, as the case may be, a magistrates' court as provided by subsections (2) and (3) below; and different limitations may be imposed under this section for different days.
 - (2) On an application for revocation of such a certificate under section 81(2) of this Act, the justices or court may, instead of revoking the certificate, attach any limitation authorised by subsection (1) above or vary any such limitation to which the certificate is subject under section 78A of this Act.
 - (3) At any time while such a certificate is in force (other than for any premises situated as mentioned in section 76(3) of this Act) the justices or court may, on the application of the chief officer of police, attach any limitation authorised by subsection (1) above or vary any such limitation to which the certificate is subject under section 78A of this Act.
 - (4) Where a special hours certificate is subject to limitations under subsection (2) or (3) above, the licensing justices or, as the case may be, the magistrates' court may, on the application of the licensee or the club, vary any limitation to which it is so subject.]
- [^{F51}(5) Not less than twenty-one days before making an application under subsection (4) to licensing justices to vary a limitation under this section so as to affect the operation of a special hours certificate in relation to Sundays, the person making the application shall give notice to the relevant local authority.
- (6) In considering under subsection (2) or (3) whether to attach any limitation authorised by subsection (1) or, under those subsections or subsection (4), whether to vary any

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limitation to which a special hours certificate is subject, the licensing justices or, as the case may be, the magistrates' court shall consider the exercise of the power to limit the certificate—

- (a) to days not including Sundays, or
 - (b) to different times of the day on Sundays and on other days.
- (7) In discharging their function under subsection (6), the licensing justices or, as the case may be, the magistrates' court shall take account of—
- (a) the special nature of Sunday, and
 - (b) any guidance on that special nature issued by the Secretary of State.
- (8) Where the licensing justices or, as the case may be, the magistrates' court vary a limitation so as to affect the operation of a special hours certificate in relation to Sundays in spite of an objection from a relevant local authority which is based on the residential character of the area in which the premises are situated, they shall state their reasons for doing so.
- (9) In this section "relevant local authority" has the same meaning as in section 71(5) of this Act.]

Textual Amendments

F50 S. 81A substituted by [Licensing Act 1988 \(c. 17, SIF 68A:1\)](#), s. 5(4)

F51 S. 81A(5)-(9) inserted (19.3.2002) by 2001/920, art. 2, Sch. para. 9

[^{F52}81AASpecial hours certificates: exclusion of Sundays in case of disturbance etc.

- (1) At any time while there is in force for any premises or for part of any premises a special hours certificate which extends to Sundays, a person or authority mentioned in subsection (3) may apply to the licensing justices or, if it was granted under section 78 or 78ZA of this Act ^{F53}, to the magistrates' court, for the imposition of a limitation excluding Sundays on the following grounds.
- (2) The grounds referred to are that such a limitation is desirable to avoid or reduce on Sundays—
- (a) any disturbance of or annoyance to—
 - (i) persons living or working in the neighbourhood, or
 - (ii) customers or clients of any business in the neighbourhood; or
 - (b) the occurrence in the vicinity of the premises of disorderly conduct on the part of persons resorting to the premises or part of the premises.
- (3) The persons and authorities referred to in subsection (1) are—
- (a) a person falling within sub-paragraph (i) of subsection (2)(a);
 - (b) the chief officer of police; or
 - (c) a relevant local authority within the meaning of section 71(5) of this Act.
- (4) If on an application under this section the licensing justices or, as the case may be, the magistrates' court are satisfied that the grounds of the application are made out, they shall attach a limitation to the special hours certificate which has the effect of excluding Sundays.]

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Textual Amendments

F52 S. 81AA inserted (19.3.2001) by S.I. 2001/920, art. 2, Sch. para. 10

F53 Section 78ZA was inserted by S.I. 1996/977.

[^{F54} 81B Special hours certificates: appeals

(1) Subject to subsection (2) of this section, any person aggrieved by a decision of licensing justices or a magistrates' court—

^{F55}(a) [not to grant a special hours certificate under section 77 [^{F56}, 77A, 78 or 78ZA] of this Act;]

^{F57}(aa) [to revoke or not to revoke a special hours certificate on an application under subsection (2) or (4) of section 81 of this Act,]

^{F58}(b) [to attach or not to attach limitations under section 78A of this Act, ^{F59} . . .

(c) to attach or not to attach limitations under section 81A [^{F60} or 81AA] of this Act,]

^{F61}(d) [to refuse to declare the provisional grant of a special hours certificate final, or

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

may appeal to the Crown Court against that decision.

^{F62}(2) [Only the chief officer of police may appeal against a decision not to revoke a certificate as mentioned in paragraph (aa) of subsection (1) of this section or not to attach a limitation under section 81A(3) of this Act; and a person may appeal against a decision not to attach a limitation under section 81A(2) [^{F60} or 81AA] of this Act only if he has appeared before the licensing justices or magistrates' court and made representations that the limitation be attached.]

^{F63}(2A) [Subsection (2C) applies where the condition in subsection (2B) is satisfied and the effect of the Crown Court allowing or dismissing an appeal under this section is that—

(a) a special hours certificate which extends to Sundays is granted,

(b) a special hours certificate which extends to Sundays is varied so as to relax a limitation in respect of Sundays, or

(c) a special hours certificate not extending to Sundays is varied so as to extend to Sundays.

(2B) The condition referred to in subsection (2A) is that a relevant local authority made to the licensing justices or, as the case may be, the magistrates' court an objection to the grant or variation of the certificate on grounds based on the residential character of the area in which the premises to which the certificate relates are situated.

(2C) Where this subsection applies, the Crown Court shall state the reasons for their decision.]

(3) A person other than the appellant shall be a party to an appeal under this section if, and only if, he has appeared before the licensing justices or magistrates' court and made representations on the application to which the decision appealed against relates.

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- (4) Licensing justices shall have the same power to make an order for the payment of costs on the abandonment of an appeal under this section as a magistrates' court has by virtue of [^{F64}section 109 of the ^{M4}Magistrates' Courts Act 1980] on the abandonment of an appeal to which that section relates.]

[^{F65}(5) In this section "relevant local authority" has the same meaning as in section 71(5) of this Act.]

Textual Amendments

- F54** S. 81B inserted by Licensing (Amendment) Act 1980 (c. 40, SIF 68A:1), s. 3
- F55** S. 81B(1)(a) inserted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 5(5)
- F56** Words in s. 81B(1)(a) substituted (1.5.1996) by S.I. 1996/977, art. 5(5)(a)
- F57** S. 81B(1) para. (a) renumbered as para. (aa) as provided by Licensing Act 1988 (c. 17, SIF 68A:1), s. 5(5)
- F58** S. 81B(1)(b)(c) substituted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 19, Sch. 3 para. 9(b)
- F59** Word in s. 81B(1)(b) repealed (1.5.1996) by S.I. 1996/977, art. 5(5)(b)
- F60** Words in s. 81B(1)(c)(2) inserted (19.3.2001) by S.I. 2001/920, art. 2, Sch. para. 11(2)(3)
- F61** S. 81B(1)(d)(e) inserted (1.5.1996) by S.I. 1996/977, art. 5(5)(c)
- F62** S. 81B(2) substituted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 19, Sch. 3 para. 9(b)
- F63** S. 81B(2A)-(2C) inserted (19.3.2001) by S.I. 2001/920, art. 2, Sch. para. 11(4)
- F64** Words substituted by virtue of Magistrates' Courts Act 1980 (c. 43, SIF 82), Sch. 8 para. 5
- F65** S. 81B(5) inserted (19.3.2001) by S.I. 2001/920, art. 2, Sch. para. 11(5)

Marginal Citations

- M4** 1980 c. 43(82)

82 Special hours certificate and extension or exemption orders in respect of same premises.

- (1) Where section 76 of this Act applies to part only of any premises the part to which it applies and the part to which it does not apply shall be treated as separate premises for the purposes of section 68(1)(b) of this Act and for the purpose of general and special orders of exemption.
- (2) Section 68(1)(b) and section 76 of this Act may both be applied to the same premises or part of premises, so that section 68(1)(b) has effect on days on which the permitted hours are not affected by section 76.

83 Supplementary provisions as to special hours certificates.

- (1) In sections 76 to 81 of this Act "music and dancing licence" means a licence granted by the licensing authority under the statutory regulations for music and dancing and authorising the keeping or using of any premises for public dancing, singing, music or other public entertainment.
- (2) References in those sections to providing music and dancing and refreshment [^{F66}or, as the case may be, gaming facilities and refreshment.] shall be construed as references to providing them on every [^{F67}day] or on particular [^{F67}days] in every week, subject to any break for a period or periods not exceeding two weeks in any twelve successive months or on any special occasion or by reason of any emergency; and references in those sections to providing dancing shall be construed as references to providing

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facilities for dancing that are adequate having regard to the number of persons for whose reception in the premises or part of premises in question provision is made.

[^{F68}(3) References in those sections to gaming are to gaming within the meaning of the Gaming Act 1968, otherwise than by means of any machine to which Part III of that Act applies.

(4) For the purposes of those sections, premises are casino premises if a licence under the Gaming Act 1968 is in force in relation to them and they are not premises to which section 20 of that Act applies (bingo club premises).]

Textual Amendments

F66 Words in s. 83(2) inserted (3.4.1997) by S.I. 1997/950, art. 4(5)

F67 Words in s. 83(2) substituted (19.3.2001) by S.I. 2001/920, art. 2, Sch. para. 12(a)(b)

F68 S. 83(3)(4) inserted (3.4.1997) by S.I. 1997/950, art. 4(6)

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