



Licensing Act 1964

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—
 - (a) 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
 - (b) 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 other than Good Friday in any premises or part of premises to which this section applies shall be the periods between half past twelve and three o'clock in the afternoon and between half past six in the evening and two o'clock in the morning following, except that—
 - (a) the permitted hours shall end at midnight on Maundy Thursday and Easter Eve and on any day on which music and dancing is not provided after midnight; and
 - (b) on any day that music and dancing end between midnight and two o'clock in the morning, the permitted hours shall end when the music and dancing end.
- (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 with the substitution of references to three o'clock in the morning for the references to two o'clock in the morning.

Status: This is the original version (as it was originally enacted).

- (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 ten minutes and paragraph (b) thereof were omitted.
- (5) Nothing in this section applies in relation to any bar in premises or a part of premises to which this section applies, and any such bar shall accordingly be treated as if it were a part of the premises to which this section does not apply.
- (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.
- (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.

77 Special hours certificates for licensed premises

If, on an application made to the licensing justices with respect to licensed premises in any area which is subject to statutory regulations for music and dancing, the justices are satisfied—

- (a) that a music and dancing licence 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 persons resorting to the premises music and dancing and substantial refreshment to which the sale of intoxicating liquor is ancillary,

the licensing justices shall grant 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.

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 and which are in any area which is subject to statutory regulations for music and dancing, 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 shall grant 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.

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 and which are situated in any area which is subject to statutory regulations for music and dancing, the licensing authority

under those regulations 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.
- (7) Where the licensing justices are the licensing authority under the statutory regulations for music and dancing, the preceding provisions of this section shall have effect with the omission in subsection (5) of the words " by a person appointed by the authority for the purpose " and with the substitution in subsection (6) for the words " after considering the report of the person appointed to hear the secretary " of the words " after hearing the secretary ".

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 weekdays 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 or 78 of this Act.
- (2) Where on an application for a special hours certificate the licensing justices or, as the case may be, the magistrates' court are satisfied that the premises or part of the

Status: This is the original version (as it was originally enacted).

premises to which the application relates are used, or intended to be used, as mentioned in section 77 or 78 of this Act during parts only of each year, the justices or court may grant a certificate limited so as to be in force during those parts only.

- (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 subsection (2) of this section, 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 of this Act.

81 Revocation of special hours certificates

- (1) If at any time while a special hours certificate is in force no music and dancing licence or, as the case may be, no certificate under section 79 of this Act is in force for the premises to which or part of which the special hours certificate relates that certificate shall thereby be revoked.
- (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 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 or, as the case may be, section 78 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 the purpose of dancing or of obtaining refreshments other than intoxicating liquor; and if the licensing justices or magistrates' court are satisfied that the ground of the application is made out they may revoke the certificate.

- (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.
- (4) At any time while a special hours certificate granted under section 78 of this Act is in force, the chief officer of police may apply 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 court is satisfied that the ground of the application is made out, it shall revoke the certificate.

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 shall be construed as references to providing them on every weekday or on particular weekdays 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 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.