



Licensing Act 1964

1964 CHAPTER 26

PART IX

SUSPENSION OF LICENCES BY REASON OF COMPULSORY ACQUISITION, ETC.

141 Suspension of justices' licence where licensed premises compulsorily acquired or temporary premises cease to be available

- (1) Where the Commissioners are satisfied on an application made to them for a certificate under this subsection—
 - (a) that a business is temporarily discontinued by reason of the compulsory acquisition, or the proposed compulsory acquisition, of licensed premises in which the business was carried on, other than acquisition or proposed acquisition by the Secretary of State under section 104 of this Act, and
 - (b) that the removal of the licence to other premises, not being temporary premises, reasonably satisfactory to the person by whom the business was carried on would be prevented by the restriction on removals imposed by section 123(2) of this Act, or by its being otherwise impracticable to provide such other premises as aforesaid,they shall certify accordingly.
- (2) Where the Commissioners are satisfied on an application made to them for a certificate under this subsection—
 - (a) that a business carried on in licensed premises which are temporary premises has been temporarily discontinued on account of those premises ceasing to be available or on account of the expiry of the period specified in the certificate of the licensing planning committee under section 126 of this Act relating to the premises and of any extension of that period under subsection (4) of that section, and
 - (b) that the circumstances are as mentioned in paragraph (b) of subsection (1) of this section,they shall certify accordingly.

Status: This is the original version (as it was originally enacted).

- (3) Where a licence granted for any premises is in suspense by virtue of section 132 of this Act, and the Commissioners are satisfied on an application made to them for a certificate under this subsection—
- (a) that the premises have been compulsorily acquired otherwise than by the Secretary of State under section 104 of this Act, or that it is proposed that they shall be compulsorily acquired otherwise than as aforesaid, and
 - (b) that the circumstances are as mentioned in paragraph (b) of subsection (1) of this section,
- they shall certify accordingly.
- (4) As from the date of a certificate under this section, the justices' licence in force for the premises immediately before the discontinuance mentioned in subsection (1) or (2) of this section or, as the case may be, the licence in suspense as mentioned in subsection (3) of this section, shall be in suspense by virtue of this section until it is again in force for all purposes by virtue of this Part of this Act or until it is extinguished, either by virtue of this Part of this Act or of section 107 or section 124(2) of this Act; and, if it is such a licence as is mentioned in subsection (3) of this section, shall no longer be in suspense by virtue of section 132 of this Act.
- (5) While a justices' licence is in suspense by virtue of this section—
- (a) it may be transferred or removed in accordance with the provisions in that behalf of Parts I and VII of this Act,
 - (b) it may be extinguished under section 107 or section 124(2) of this Act;
- but, except so far as is requisite for giving effect to those provisions and the other provisions of this Part of this Act, it shall not be in force for any purpose.
- (6) Where a certificate has been granted under subsection (2) of this section, the provisions of section 126(4) of this Act avoiding a licence on the expiry of such periods as are mentioned therein—
- (a) shall, if the relevant period expired before the granting of the certificate, be deemed not to have avoided the licence, and
 - (b) shall not avoid the licence during the period of its suspension.
- (7) In this Part of this Act—
- (a) references to compulsory acquisition of premises include references—
 - (i) to acquisition by agreement by an authority or persons, and for a purpose, such that the authority or persons could be authorised to acquire the premises compulsorily; and
 - (ii) to the taking possession of premises by a local authority by virtue of a lease or authorisation under the War Damaged Sites Act 1949 ;
 - (b) references to premises include references to the site of premises; and references to a licence granted for premises in any district or area include references to a licence granted for premises the site of which is in that district or area;
- and, unless the context otherwise requires, any reference in this Part of this Act to a licence in suspense is a reference to a licence in suspense by virtue of this section.

142 Restoration to full force of licence in suspense

- (1) Where a licence is in suspense and it is proposed to resume on the same site the business formerly carried on in the premises for which the licence was granted, the

holder of the licence may apply to the licensing justices for the district in which the premises are situated for their approval of his fitness to hold the licence and, if the justices approve his fitness, he may give notice in writing to the clerk to the licensing justices of the proposal to resume the business; and, subject to subsection (2) of this section, from the time of his giving the notice the licence shall be in force for all purposes.

- (2) Where a notice under this section relates to an on-licence then, unless plans of such works as are reasonably necessary to secure the proper conduct of the business have been submitted to the licensing justices and approved by them, and the justices have signified their satisfaction that the works have been executed in accordance with those plans, the notice shall have no effect.
- (3) A justices' licence in force for all purposes after being in suspense shall, unless previously forfeited or becoming void under this Act, be in force until 5th April next following the first day of the general annual licensing meeting after the time when it ceased to be in suspense.
- (4) Where a licence in suspense is removed the licence granted by way of removal shall not be in suspense and the provisions of this Act shall apply in relation to it as they apply in relation to a licence granted by way of removal of a licence in force.

143 Extinguishment of licence in suspense when suspension no longer justified

- (1) Where a licence is in suspense and the licensing justices are satisfied—
 - (a) that a removal of the licence as mentioned in paragraph (b) of subsection (1) of section 141 of this Act would no longer be prevented as mentioned in that paragraph, or
 - (b) that, in a case where it is proposed to resume the business in question on the same site, it would be reasonably practicable to carry out any such works as are mentioned in subsection (2) of section 142 of this Act,they may order the licence to be extinguished at the expiry of such period as may be specified in the order unless it is again in force for all purposes before the expiry of that period.
- (2) If Her Majesty by Order in Council declares that the removal of licences as mentioned in paragraph (b) of subsection (1) of section 141 of this Act is in general no longer prevented as mentioned in that paragraph, every licence in suspense at the date of the Order shall be extinguished at the expiry of such period as may be specified in the Order unless it is again in force for all purposes before the expiry of that period.
- (3) Licensing justices may, on application made to them in that behalf, extend the period specified in an order under subsection (1) of this section, or, in relation to a particular licence, the period specified in an Order in Council under subsection (2) of this section.

144 Extinguishment of licence in suspense on other grounds

Sections 136 and 137 of this Act shall apply to a licence in suspense by virtue of section 141 of this Act as they apply to a licence in suspense by virtue of section 132 of this Act.

145 Transfer of licence in suspense

Without prejudice to the power to transfer a licence in suspense in the cases mentioned in section 8 of this Act, if licensing justices are satisfied, with respect to a licence in suspense, that any person other than the holder has an interest in it or that the holder has no interest in it, they shall, on an application by any person appearing to them to have such an interest, transfer the licence to the person or persons appearing to them to have such an interest.

146 Appeals to quarter sessions

Sections 21 to 25 of this Act shall apply with the necessary modifications—

- (a) to a refusal of licensing justices to approve the fitness of a holder of a licence, on an application under subsection (1) of section 142 of this Act;
- (b) to a refusal of licensing justices to approve plans submitted to them for the purposes of subsection (2) of that section, or to signify their satisfaction under that subsection;
- (c) to the making of an order under section 143(1) of this Act;
- (d) to a refusal of licensing justices to grant an application under section 143(3) of this Act.

147 Rules, etc.

The Secretary of State may make such rules, prescribe such forms and generally do such things as he thinks expedient for regulating the practice under this Part of this Act, including the service of documents.