

SCHEDULES

SCHEDULE 2

Section 11(1).

GRANT, RENEWAL, CANCELLATION AND TRANSFER OF LICENCES

Introductory

- 1 (1) Subject to the provisions of this Schedule with respect to certificates of consent, the authority responsible for the grant, renewal, cancellation and transfer of licences under this Act—
- (a) in any petty sessions area in England or Wales, or
 - (b) in any licensing area (within the meaning of the Licensing (Scotland) Act 1959) in Scotland,
- shall be the authority which under Schedule 1 to the Act of 1963 is responsible for the grant or renewal of bookmaker's permits, betting agency permits and betting office licences in that area.
- (2) Any such authority is in this Act referred to as a "licensing authority".
- 2 (1) In this Schedule "the licensing authority in relation to a licence under this Act or to an application relating to such a licence, means the licensing authority for the petty sessions area in England or Wales, or the licensing area in Scotland, in which the relevant premises are or are to be situated.
- (2) In this Schedule—
- "the appropriate collector of duty" means the Collector of Customs and Excise for the area in which the relevant premises are or are to be situated ;
 - "the appropriate fire authority" means the fire authority (within the meaning of the Fire Services Act 1947) in whose area the relevant premises are or are to be situated ;
 - "the appropriate local authority"—
 - (a) in England and Wales, means the local authority (being the council of a county borough, London borough or county district or the Common Council of the City of London) in whose area the relevant premises are or are to be situated, and
 - (b) in Scotland, where the relevant premises are or are to be situated in a burgh, means the council of that burgh, and in any other case means the council of the county, and the council of the district, in which the relevant premises are or are to be situated;
 - "the appropriate officer of police" means the chief officer of police, or in Scotland, the chief constable, for the police area in which the relevant premises are or are to be situated ;
 - "bingo club licence" means a licence under this Act granted in respect of any premises subject to restrictions under paragraph 25 of this Schedule whereby gaming to which Part II of this Act applies on those premises is limited to the playing of bingo ;

Status: This is the original version (as it was originally enacted).

" the clerk to the licensing authority ", where that authority is a committee of the justices acting for a petty sessions area, means the clerks to those justices, or, if there are two or more clerks to those justices, means—

- (a) such one of those clerks as the magistrates' courts committee (or, in the case of the inner London area, the committee of magistrates) having power over the appointment of clerks to justices for that area may direct, or
- (b) in default of any such direction, any of those clerks ; and

" the relevant premises ", in relation to a licence under this Act or to an application relating to such a licence, means the premises in respect of which the licence is for the time being in force or the premises to which the application relates, as the case may be.

Certificate of consent for purposes of application for licence

- 3 (1) An application for the grant of a licence under this Act in respect of any premises shall be of no effect unless—
 - (a) the Board have issued to the applicant a certificate consenting to his applying for such a licence in respect of those premises, and that certificate is for the time being in force and the application is made within the period specified in the certificate, and
 - (b) where the certificate is limited to a bingo club licence, the application is for the grant of a bingo club licence in respect of those premises.
- (2) In the following provisions of this Schedule any reference to an application for the grant of a licence under this Act shall be construed as not including any application which by virtue of the preceding sub-paragraph is of no effect.
- 4 (1) The provisions of this paragraph shall have effect with respect to any application for a certificate of consent (in this paragraph referred to as a " consent application ") for the purposes of an application for the grant of a licence under this Act (in this paragraph referred to, in relation to a consent application, as " the relevant licence application ").
- (2) Any consent application shall be made to the Board by the person proposing to make the relevant licence application, and shall—
 - (a) specify the premises in respect of which the relevant licence application is proposed to be made, and
 - (b) state whether the relevant licence application will be for the grant of a bingo club licence or for a licence under this Act other than a bingo club licence.
- (3) The Board shall not (unless in any particular case they think fit to do so) be required to entertain a consent application unless it is made—
 - (a) before the end of the period of three months beginning with the date appointed under section 54(4) of this Act for the purposes of this paragraph, or
 - (b) after the end of the period of fifteen months beginning with that date and before the end of the month of October in the year immediately preceding the year in which the relevant licence application is proposed to be made.
- (4) The Board shall not issue a certificate on a consent application if it appears to the Board that the applicant—
 - (a) not being a body corporate, is under twenty-one years of age, or

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

- (b) not being a body corporate, is not resident in Great Britain or was not so resident throughout the period of six months immediately preceding the date on which the application was made, or
 - (c) being a body corporate, is not incorporated in Great Britain.
- (5) Subject to sub-paragraph (4) of this paragraph, in determining whether to issue to an applicant a certificate consenting to his applying for the grant of a licence under this Act in respect of any premises, the Board shall have regard only to the question whether, in their opinion, the applicant is likely to be capable of, and diligent in, securing that the provisions of this Act and of any regulations made under it will be complied with, that gaming on those premises will be fairly and properly conducted, and that the premises will be conducted without disorder or disturbance.
- (6) For the purposes of sub-paragraph (5) of this paragraph the Board shall in particular take into consideration the character, reputation and financial standing—
- (a) of the applicant, and
 - (b) of any person (other than the applicant) by whom, if a licence were granted on the relevant licence application, the club to which the consent application relates would be managed, or for whose benefit, if a licence were so granted, that club would be carried on,
- but may also take into consideration any other circumstances appearing to them to be relevant in determining whether the applicant is likely to be capable of, and diligent in, securing the matters mentioned in that sub-paragraph.
- (7) If on a consent application made to the Board in respect of any premises the Board issue to the applicant a certificate consenting to his applying for the grant of a licence under this Act in respect of those premises, the certificate shall—
- (a) specify the applicant and those premises ;
 - (b) specify a period within which the relevant licence application can be made ; and
 - (c) state whether the consent is or is not limited to a bingo club licence.

Application for grant of licence (general provisions)

- 5 (1) Except as provided by paragraph 8 of this Schedule, no application for a licence under this Act shall be made except in the month of January or February.
- (2) Any such application shall be made to the clerk to the licensing authority in such form and manner as may be prescribed, and shall specify by name and description a club which either—
- (a) is a club for whose purposes the relevant premises are used at the time when the application is made, or are intended, if the licence is granted, to be used, or
 - (b) is intended, if the licence is granted, to be formed as a club for whose purposes the relevant premises will be used,
- and shall contain such other particulars as may be prescribed and shall be accompanied by a copy of the certificate of consent issued by the Board for the purposes of that application.
- (3) Not later than seven days after the date on which the application is made, the applicant shall send a copy of the application—
- (a) to the Board ;

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

- (b) to the appropriate officer of police ;
 - (c) to the appropriate local authority ;
 - (d) to the appropriate fire authority, if that authority is not the same body as the appropriate local authority ; and
 - (e) to the appropriate collector of duty.
- 6 (1) At any time in March in the year in which such an application is made, the applicant shall cause notice of the making of the application to be published by means of an advertisement in a newspaper circulating in the licensing authority's area.
- (2) A notice published in pursuance of this paragraph shall specify the name of the applicant, the name of the club and the location of the relevant premises, shall indicate whether the application is for a bingo club licence or for a licence under this Act other than a bingo club licence, and shall state that any person who desires to object to the grant of the licence should send to the clerk to the licensing authority, before 15th April, two copies of a brief statement in writing of the grounds of his objection.
- (3) The applicant shall cause a like notice to be displayed outside the entrance to the relevant premises on or before 1st April; and the applicant shall take such steps as he reasonably can to keep that notice so displayed during the period beginning with 1st April and ending with 14th April.
- (4) A notice published or displayed under this paragraph shall not include any matter which is not required by the preceding provisions of this paragraph to be included in it.
- 7 (1) Not later than seven days after the publication of the newspaper containing the advertisement required by the last preceding paragraph, the applicant shall send a copy of that newspaper to the clerk to the licensing authority ; and the licensing authority shall not consider the application before the beginning of May.
- (2) On or after 15th April, but not less than seven days before the date fixed by the licensing authority for the consideration of the application, the clerk to the licensing authority shall send notice in writing of the date, time and place of the meeting of the authority at which the application will be considered—
 - (a) to the applicant;
 - (b) to all the persons and bodies specified in paragraph 5(3) of this Schedule ; and
 - (c) if the clerk has received from any other person an objection in writing which has not been withdrawn and the address of that person is known to the clerk, to that person.
- (3) The clerk to the licensing authority shall also cause notice of that meeting to be displayed at the place where the meeting is to be held in a position where the notice may conveniently be read by members of the public.
- (4) With the notice sent to the applicant in accordance with sub-paragraph (2) of this paragraph there shall be enclosed a copy of any objection to the grant of the licence which has been received by the clerk to the licensing authority and which has not been withdrawn.

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

Application for grant of licence (initial period)

- 8 Notwithstanding anything in paragraph 5 of this Schedule, an application for a licence under this Act may be made at any time during the period of six months beginning with the date appointed under section 54(4) of this Act for the purposes of this paragraph (in this Schedule referred to as " the initial period "); and the provisions of sub-paragraphs (2) and (3) of that paragraph shall have effect with respect to any such application, as they have effect with respect to an application made in accordance with sub-paragraph (1) of that paragraph.
- 9 The provisions of paragraphs 10 and 11 of this Schedule shall have effect with respect to any application made during the initial period in substitution for the provisions of paragraphs 6 and 7 of this Schedule.
- 10 (1) Not later than fourteen days after the making of any such application to the licensing authority, the applicant shall cause notice of the making of the application to be published by means of an advertisement in a newspaper circulating in the authority's area.
- (2) A notice published in pursuance of this paragraph shall specify the name of the applicant, the name of the club and the location of the relevant premises, shall indicate whether the application is for a bingo club licence or for a licence under this Act other than a bingo club licence, and shall state that any person who desires to object to the grant of the licence should send to the clerk to the licensing authority, before such date (not being earlier than fourteen days after the publication of the advertisement) as may be specified in the notice, two copies of a brief statement in writing of the grounds of his objection.
- (3) Not later than fourteen days before the date specified in the notice in accordance with the last preceding sub-paragraph, the applicant shall cause a like notice to be displayed outside the entrance to the relevant premises ; and the applicant shall take such steps as he reasonably can to keep that notice so displayed until that date.
- (4) A notice published or displayed under this paragraph shall not include any matter which is not required by the preceding provisions of this paragraph to be included in it.
- 11 (1) Not later than seven days after the publication of the newspaper containing the advertisement required by the last preceding paragraph, the applicant shall send a copy of that newspaper to the clerk to the licensing authority ; and the licensing authority shall not consider the application earlier than fourteen days after the date specified in the advertisement.
- (2) On or after the date so specified, but not less than seven days before the date appointed for the consideration of the application, the clerk to the licensing authority shall send notice in writing of the date, time and place of the meeting of the authority at which the application will be considered—
- (a) to the applicant;
 - (b) to all the persons and bodies specified in paragraph 5(3) of this Schedule ; and
 - (c) if the clerk has received from any other person an objection in writing which has not been withdrawn and the address of that person is known to the clerk, to that person.

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

- (3) The clerk to the licensing authority shall also cause notice of that meeting to be displayed at the place where the meeting is to be held in a position where the notice may conveniently be read by members of the public.
- (4) With the notice sent to the applicant in accordance with sub-paragraph (2) of this paragraph there shall be enclosed a copy of any objection to the grant of the licence which has been received by the clerk to the licensing authority and which has not been withdrawn.

Application for renewal of licence

- 12 (1) Any application for the renewal of a licence under this Act shall (subject to sub-paragraph (2) of this paragraph) be made in January or February in the year in which the licence is due to expire, and shall be made to the clerk to the licensing authority in such form and manner, and shall contain such particulars, as may be prescribed.
- (2) The licensing authority may in any particular case entertain an application for the renewal of a licence under this Act which is made after the end of February if—
 - (a) they are satisfied that the failure to make the application before the end of that month was due to inadvertence, and
 - (b) the application is made before the end of such extended period as the licensing authority may in that case allow.
- 13 (1) At any time in March in each year, every licensing authority shall cause notice of the date, time and place appointed by the authority for the purpose of considering any applications for the renewal of licences under this Act to be published by means of an advertisement in a newspaper circulating in the authority's area.
- (2) A notice published in pursuance of the preceding sub-paragraph shall state that any person who desires to object to the renewal by the licensing authority of any particular licence under this Act should send to the clerk to the licensing authority, before 15th April, two copies of a brief statement in writing of the grounds of his objection.
- (3) On or after 15th April, but not less than seven days before the date fixed by the licensing authority for the consideration of applications for the renewal of licences under this Act, the clerk to the licensing authority—
 - (a) if he has received from any person an objection in writing to the renewal of a particular licence, and that objection has not been withdrawn, and the address of that person is known to the clerk, shall send to that person a notice stating whether an application for the renewal of that licence has been made or not, and
 - (b) shall send to the person by whom any application for the renewal of a licence under this Act has been duly made to the licensing authority a copy of any objection to the renewal which the clerk has received and which has not been withdrawn.

Proceedings on application for grant or renewal

- 14 (1) On any application for the grant or renewal of a licence under this Act, the licensing authority may grant or renew the licence without hearing the applicant if no objection to the grant or renewal has been made by any person or if every such objection has

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

been withdrawn before the beginning of the meeting of the authority at which the authority considers the application.

- (2) Except as provided by the preceding sub-paragraph, on any such application any of the following persons, that is to say—
- (a) the applicant;
 - (b) any person from whom an objection in writing which has not been withdrawn was received by the clerk to the licensing authority before the date on which he sent to the applicant the notice required by paragraph 7(2) or paragraph 11(2), or (as the case may be) the copy of that objection required to be sent to him by paragraph 13(3)(b), of this Schedule ; and
 - (c) the person making any other objection which the authority have decided under paragraph 15 of this Schedule that they will hear,

shall be entitled to be heard either in person or by counsel or a solicitor; and the authority shall also hear any representations made by or on behalf of the Board, the appropriate officer of police, the appropriate local authority, the Commissioners of Customs and Excise or the appropriate fire authority.

- 15 Where, in the case of an application for the grant or renewal of a licence under this Act, an objection to the grant or renewal is received by the clerk to the licensing authority on or after the date referred to in paragraph 14(2)(b) of this Schedule, the authority—
- (a) may refuse to entertain the objection, or
 - (b) may entertain it but, unless the applicant requests otherwise, shall not hear it until the objector has given to the clerk and to the applicant, and the applicant has had time to consider, a brief statement in writing of the grounds of the objection.
- 16 A licensing authority may from time to time adjourn the consideration of any application for the grant or renewal of a licence under this Act, whether for the purposes of paragraph 15 of this Schedule or for any other purpose.
- 17 On the consideration of any application for the grant or renewal of a licence under this Act, a licensing authority may take evidence on oath and may make such order as they think fit for the payment of costs (or, in Scotland, expenses)—
- (a) by the applicant to any person who made an objection to the grant or renewal which was not withdrawn before the date referred to in paragraph 14(2)(b) of this Schedule, or
 - (b) by any such person to the applicant.

Grounds for refusal to grant or renew licence

- 18 (1) The licensing authority may refuse to grant a licence under this Act if it is not shown to their satisfaction that, in the area of the authority, a substantial demand already exists on the part of prospective players for gaming facilities of the kind proposed to be provided on the relevant premises.
- (2) Where it is shown to the satisfaction of the licensing authority that such a demand already exists, the licensing authority may refuse to grant a licence if it is not shown to their satisfaction—
- (a) that no gaming facilities of the kind in question are available in that area or in any locality outside that area which is reasonably accessible to the prospective players in question, or

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

- (b) where such facilities are available, that they are insufficient to meet the demand.
- 19 (1) For the purposes of the last preceding paragraph, the Board may from time to time give advice to any licensing authority as to the extent of the demand on the part of prospective players for gaming facilities of any particular kind, either generally in Great Britain or in any particular part of Great Britain, and as to the extent to which, and the places in which, gaming facilities of any particular kind are available.
- (2) In determining whether, on an application for the grant of a licence under this Act, a licence should be refused on the grounds specified in the last preceding paragraph, the licensing authority shall take into account any advice given to them by the Board in pursuance of this paragraph, as well as any representations which, at the time when the application is being considered by the licensing authority, are made to the authority by or on behalf of the Board or any other person entitled to be heard on the consideration of the application.
- 20 (1) Without prejudice to paragraph 18 of this Schedule, the licensing authority may refuse to grant or renew a licence under this Act on any one or more of the following grounds, that is to say—
- (a) that the relevant premises are unsuitable by reason of their lay-out, character, condition or location ;
 - (b) that the applicant is not a fit and proper person to be the holder of a licence under this Act;
 - (c) that, if the licence were granted or renewed, the club specified in the application would be managed by, or carried on for the benefit of, a person (other than the applicant) who would himself be refused the grant or renewal of a licence under this Act on the grounds that he is not a fit and proper person to be the holder of such a licence ;
 - (d) that the licensing authority, the Board, the appropriate officer of police, the appropriate local authority or the appropriate fire authority, or the authorised representatives of any of them, have been refused reasonable facilities to inspect the premises ;
 - (e) that any duty payable in respect of the premises under section 13 or section 14 of the Finance Act 1966 remains unpaid.
- (2) In determining for the purposes of this paragraph whether the relevant premises are unsuitable by reason of any matter mentioned in sub-paragraph (1)(a) of this paragraph, the licensing authority shall take into account any advice given to them by the Board with respect to that matter.
- 21 (1) The licensing authority may refuse to renew a licence under this Act on any one or more of the following grounds, in addition to those specified in paragraph 20 of this Schedule, that is to say—
- (a) that it is not shown to their satisfaction that, in the area of the authority, a substantial demand exists on the part of players or prospective players for gaming facilities of the kind proposed to be provided on the relevant premises ;
 - (b) that a person has been convicted of an offence under this Act in respect of a contravention, in connection with the relevant premises, of any of the provisions of this Act, or of any regulations made thereunder ;
 - (c) that, while the licence has been in force, the relevant premises have not been so conducted as to prevent disturbance or disorder;

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

- (d) that, while the licence has been in force, gaming on the relevant premises has been dishonestly conducted;
 - (e) that, while the licence has been in force, the relevant premises have been used for an unlawful purpose or as a resort of criminals or prostitutes ;
 - (f) that, while the licence has been in force, appropriate precautions against the danger of fire have not been observed, or have been insufficiently observed, in the use of the relevant premises.
- (2) The licensing authority may also refuse to renew a licence under this Act on the grounds that, within the period of twelve months ending with the date on which the licensing authority consider the application for renewal of the licence, a notice under paragraph 7 of Schedule 5 to this Act has been served on a person stating that a relevant certificate issued in respect of him under section 19 of this Act is revoked as from the end of a period specified in that notice.
- (3) For the purposes of sub-paragraph (2) of this paragraph a certificate issued in respect of a person under section 19 of this Act shall be taken to have been a relevant certificate if it was a certificate certifying that he had been approved by the Board under that section—
- (a) in respect of the performance on the relevant premises of a function which, at the time when the notice referred to in that sub-paragraph was served, he was authorised or required to perform on those premises in pursuance of a service agreement which was then in force, or
 - (b) in respect of his acting in relation to those premises in a capacity in which, at the time when that notice was served, he was acting, or was authorised or required to act, in relation to those premises.
- (4) Paragraph 19 of this Schedule shall have effect for the purposes of sub-paragraph (1) (a) of this paragraph as it has effect for the purposes of paragraph 18 of this Schedule.
- (5) In this paragraph " service agreement" has the same meaning as in section 19 of this Act.
- 22 (1) The licensing authority shall refuse to grant or renew a licence under this Act if, by virtue of a disqualification order made under section 24 of this Act, such a licence is for the time being prohibited from being held in respect of the relevant premises.
- (2) The licensing authority shall refuse to renew a licence under this Act if they are satisfied that, while the licence has been in force, the relevant premises have been habitually used for an unlawful purpose or as a resort of criminals or prostitutes.
- 23 Where for the purposes of paragraph 20(1)(a) of this Schedule it falls to be determined whether the relevant premises are unsuitable in respect of their location and those premises were used for the purpose of gaming during a period of not less than six months ending with 19th December 1967.—
- (a) the licensing authority shall consider what (if any) evidence there is that those premises appeared to be unsuitable for that purpose during that period, and
 - (b) if it appears to them that there is no evidence, or insufficient evidence, that they were unsuitable as mentioned in the preceding sub-paragraph, the licensing authority shall have regard in particular to that fact in determining that question.

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

Restrictions attached to licence

- 24 On granting or renewing a licence under this Act, the licensing authority may impose such restrictions (if any) on the hours during which gaming will be permitted to take place on the relevant premises as appear to the authority to be necessary for the purpose of preventing disturbance or annoyance to the occupiers of other premises in the vicinity.
- 25 (1) Without prejudice to the last preceding paragraph, on granting or renewing a licence under this Act the licensing authority, may impose restrictions of either or both of the following descriptions, that is to say—
- (a) restrictions limiting the gaming to a particular part or parts of the relevant premises, and
 - (b) restrictions limiting the gaming to a particular kind of game or particular kinds of games.
- (2) Subject to the following provisions of this paragraph, on granting or renewing a licence under this Act the licensing authority (whether they impose any restrictions under sub-paragraph (1) of this paragraph or not) may impose restrictions limiting the purposes, other than gaming, for which, while the licence is in force, the relevant premises may be used, either generally or at such times as may be specified in the restrictions or at times when such conditions as may be so specified are fulfilled.
- (3) Where an application for a licence under this Act is made in pursuance of a certificate of consent which states that the consent is limited to a bingo club licence, then—
- (a) on granting a licence in pursuance of that consent, and
 - (b) if a licence has been so granted, on any renewal of that licence,
- the licensing authority shall impose restrictions under sub-paragraph (1) of this paragraph in respect of the relevant premises limiting gaming to which Part II of this Act applies to the playing of bingo.
- (4) No restrictions shall be imposed under sub-paragraph (2) of this paragraph where, whether in pursuance of sub-paragraph (3) of this paragraph or otherwise, the licensing authority, on granting or renewing the licence, impose restrictions under sub-paragraph (1) of this paragraph in respect of the relevant premises limiting gaming to which Part II of this Act applies to the playing of bingo.
- (5) Subject to sub-paragraphs (3) and (4) of this paragraph, in determining whether to impose any restrictions under this paragraph, the licensing authority shall take into account any advice given to them by the Board (whether given for the purposes of this paragraph or in pursuance of paragraph 19 of this Schedule), as well as any representations which, at the time when the application is being considered by the licensing authority, are made to the authority by or on behalf of the Board or any other person entitled to be heard on the consideration of the application.
- 26 Any restrictions imposed under paragraph 24 or paragraph 25 of this Schedule shall be imposed so as to have effect until the licence ceases to have effect or is next renewed (whichever first occurs), but without prejudice, where the licence is renewed, to any power or duty of the licensing authority under either of those paragraphs to impose the like or any other restrictions on renewing the licence.

Regulations under section 22(3)

- 27 Notwithstanding anything in paragraphs 18 to 26 of this Schedule, the licensing authority, in dealing with any application for the grant or renewal of a licence under

this Act, shall comply with any regulations under section 22(3) of this Act which are for the time being in force.

Notification of advice given by Board

- 28 The clerk to the licensing authority shall, at the request of any applicant for the grant or renewal of a licence under this Act, furnish him with a statement setting out any advice given to the licensing authority by the Board which the licensing authority propose to take into account in determining the application.

Appeal in England or Wales by applicant

- 29 (1) Where on an application under this Schedule to a licensing authority in England or Wales the authority refuse to grant or renew a licence, or impose restrictions under paragraph 24 or paragraph 25 of this Schedule, the clerk to the licensing authority shall forthwith give notice of the decision of the authority to the applicant ; and, within fourteen days from the date of service of that notice, the applicant may, by notice to the clerk to the authority, appeal against the decision to a court of quarter sessions having jurisdiction in the authority's area.
- (2) As soon as practicable after receiving notice of appeal against a decision of the licensing authority, the clerk to the authority shall send the notice to the clerk of the peace together with a statement of the decision against which the appeal is brought and of the name and last-known residence or place of business of the appellant and of any person who opposed the application before the authority.
- (3) On receipt of the notice of appeal, the clerk of the peace shall enter the appeal and give in writing to the appellant, to the Board, to the appropriate officer of police, to the appropriate collector of duty, to any person who opposed the application before the authority and to the licensing authority not less than fourteen days' notice of the date, time and place appointed for the hearing of the appeal.
- (4) The court of quarter sessions may by its order allow or dismiss the appeal, or reverse or vary any part of the decision of the licensing authority, whether the appeal relates to that part of it or not, and may deal with the application as if it had been made to the court of quarter sessions in the first instance ; and the judgment of the court of quarter sessions on the appeal shall be final.
- (5) A justice shall not act in the hearing or determination of an appeal under this paragraph from any decision in which he took part.
- 30 (1) On determining any appeal under paragraph 29 of this Schedule, or on being satisfied that the appellant, after giving notice of such an appeal, has failed to prosecute it, the court of quarter sessions may make such order as it thinks fit for the payment of costs by or to—
- (a) the appellant;
 - (b) any person who opposed the application before the licensing authority ; or
 - (c) the licensing authority.
- (2) Where the court of quarter sessions—
- (a) has allowed such an appeal, or
 - (b) has awarded the licensing authority any costs under the preceding sub-paragraph and is satisfied that the licensing authority cannot recover those costs,

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

the court shall order payment out of local funds of such sums as appear to the court sufficient to indemnify the licensing authority from all costs and charges whatever to which they have been put in consequence of the appellant's having served notice of appeal.

- (3) Costs payable out of local funds under this paragraph—
- (a) if the licensing authority's area is a borough having a separate court of quarter sessions, shall be paid out of the general rate fund of the borough ; and
 - (b) in any other case, shall be paid out of the county fund of the county in which the licensing authority's area is situated.
- (4) Sections 8(1) and 11(1) of the Costs in Criminal Cases Act 1952 (which make provision for payment out of local funds of costs ordered to be paid under that Act) shall apply to costs ordered to be paid under this paragraph as if any reference in those provisions to a county borough were a reference to a borough having a separate court of quarter sessions.
- (5) An order of a court of quarter sessions under this paragraph may be made either at the sessions at which the appeal is heard, or at which it would have been heard if the appeal had been prosecuted, or at the next following sessions ; and the costs may be taxed either in or out of sessions.

Appeal in England or Wales by Board

- 31 (1) Where a licensing authority in England or Wales grant or renew a licence under this Act after hearing any objection or representations made by or on behalf of the Board or any other person, and the Board desire to contend—
- (a) that the licence ought not to have been granted or renewed, or
 - (b) that, on granting or renewing the licence, the licensing authority ought to have imposed restrictions, or (where restrictions were imposed) ought to have imposed more stringent restrictions,
- the Board may, by notice to the clerk to the licensing authority, appeal against the decision of the licensing authority to a court of quarter sessions having jurisdiction in the authority's area.
- (2) As soon as practicable after receiving notice of appeal under this paragraph, the clerk to the licensing authority shall send the notice to the clerk of the peace together with a statement of the decision against which the appeal is brought and the name and last-known residence or place of business of the applicant who applied for the grant or renewal and of any person (other than the Board) who opposed the application before the licensing authority.
- (3) On receipt of the notice of appeal, the clerk of the peace shall enter the appeal and give in writing to the Board, to the applicant, to the appropriate officer of police, to any person (other than the Board) who opposed the application before the licensing authority, and to the licensing authority, not less than seven days' notice of the date, time and place appointed for the hearing of the appeal.
- (4) Sub-paragraphs (4) and (5) of paragraph 29 of this Schedule shall have effect in relation to appeals under this paragraph as they have effect in relation to appeals under that paragraph.
- 32 (1) On determining any appeal under the last preceding paragraph, or on being satisfied that the Board, after giving notice of such an appeal, have- failed to prosecute it,

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

the court of quarter sessions may make such order as it thinks fit for the payment of costs by or to—

- (a) the applicant who applied for the grant or renewal to which the appeal relates;
- (b) the Board;
- (c) any person (other than the Board) who opposed the application before the licensing authority ; or
- (d) the licensing authority.

- (2) Sub-paragraphs (2) to (5) of paragraph 30 of this Schedule shall have effect for the purposes of this paragraph as they have effect for the purposes of that paragraph.

Appeal in Scotland by applicant

- 33 (1) Where on an application under this Schedule to a licensing authority in Scotland the authority refuse to grant or renew a licence, or impose restrictions under paragraph 24 or paragraph 25 of this Schedule, the clerk to the licensing authority shall forthwith give notice of the decision of the authority to the applicant; and the applicant may, within such time, and in accordance with such rules, as may be prescribed by the Court of Session by Act of Sederunt, appeal against the decision to the sheriff having jurisdiction in the authority's area.
- (2) The sheriff may allow or dismiss the appeal, or reverse or vary any part of the decision of the licensing authority, whether the appeal relates to that part of it or not, and may deal with the application as if it had been made to the sheriff in the first instance.
- (3) The decision of the sheriff on the appeal shall be final and may include such order as to the expenses of the appeal as he thinks proper.

Appeal in Scotland by Board

- 34 (1) Where a licensing authority in Scotland grant or renew a licence under this Act after hearing any objection or representations made by or on behalf of the Board or any other person, and the Board desire to contend—
- (a) that the licence ought not to have been granted or renewed, or
 - (b) that, on granting or renewing the licence, the licensing authority ought to have imposed restrictions, or (where restrictions were imposed) ought to have imposed more stringent restrictions,
- the Board may, within such time, and in accordance with such rules, as may be prescribed by the Court of Session by Act of Sederunt, appeal against the decision of the licensing authority to the sheriff having jurisdiction in the authority's area.
- (2) Sub-paragraphs (2) and (3) of paragraph 33 of this Schedule shall have effect in relation to appeals under this paragraph as they have effect in relation to appeals under that paragraph.

Revocation by Board of certificate of consent

- 35 (1) Where under the preceding provisions of this Schedule the Board have issued to a person a certificate of consent to his applying for a licence under this Act in respect of any premises, then, subject to the following provisions of this paragraph, the Board may at any time revoke that certificate, whether before that time—
- (a) the holder of the certificate has applied for a licence under this Act in respect of those premises, or

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

- (b) in pursuance of such an application, the licensing authority have granted him such a licence,
or not.
- (2) Subject to the next following sub-paragraph, the Board shall not revoke a certificate of consent in respect of any premises at any time unless it appears to them—
- (a) that, if the holder of the certificate were then applying for such a certificate under paragraph 4 of this Schedule, the Board would be precluded by sub-paragraph (4) of that paragraph from issuing such a certificate to him, or
 - (b) that any information which, in or in connection with the application on which the certificate was issued, was given to the Board by or on behalf of the applicant for the certificate was false in a material particular, or
 - (c) that, since the certificate was issued, a licence under this Act held by the holder of the certificate (whether in respect of the same or different premises) has been cancelled by virtue of a disqualification order made under section 24 of this Act or under this Schedule or in the exercise of the powers conferred on the licensing authority or the court by the following provisions of this Schedule.
- (3) Where the holder of a certificate of consent in respect of any premises has in pursuance of the certificate applied for the grant of a licence under this Act in respect of those premises, and such a licence has been granted and is for the time being in force, the Board may revoke the certificate at any time if it appears to them—
- (a) that, in relation to the conduct of the premises or the conduct of gaming on those premises, effective control is being exercised by a person other than the holder of the certificate, and
 - (b) that the other person in question, in view of his character and reputation, is not a person to whom, if he were then applying for a certificate of consent under the preceding provisions of this Schedule, the Board would issue such a certificate.
- (4) Where the Board determine to revoke a certificate of consent by virtue of this paragraph they shall serve a notice on the holder of the certificate stating that the certificate is revoked as from the end of the period of eight weeks from the date of service of the notice ; and the revocation shall take effect at the end of that period, unless before the end of that period the Board have served on the holder of the certificate a further notice stating that they have rescinded their decision to revoke the certificate.
- (5) Where the Board serve any such notice as is mentioned in sub-paragraph (4) of this paragraph they shall send a copy of the notice to the clerk to the licensing authority, to the appropriate officer of police and to the appropriate collector of duty.
- (6) On the revocation by virtue of this paragraph of a certificate of consent in respect of any premises, any licence under this Act in respect of those premises which—
- (a) specifies that certificate as being the certificate in pursuance of which the application for the licence was made, and
 - (b) is in force at the time when the revocation of the certificate takes effect,
- shall thereupon cease to have effect.

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

Cancellation of licence by licensing authority or court

- 36 (1) An application for the cancellation of a licence under this Act may be made by any person at any time to the clerk to the licensing authority.
- (2) Any such application shall be made in the prescribed form and manner and shall be accompanied by two copies of a statement of the grounds on which the application is made.
- (3) On receipt of such an application, the clerk to the licensing authority shall submit it to one member of the authority for consideration by him.
- (4) If that member, after considering the application, is of the opinion that—
- (a) further consideration of the matters referred to in the statement accompanying the application is unnecessary or inexpedient before the time when the renewal of the licence falls to be considered, or
 - (b) the licensing authority would be required by virtue of paragraph 41 of this Schedule to refuse the application,
- he shall cause notice in writing to be given to the applicant that the application is refused, without prejudice to the raising of the same matters by way of objection to a renewal of the licence.
- (5) In any other case, the member of the licensing authority to whom the application is submitted shall refer it to the licensing authority.
- 37 Where an application for the cancellation of a licence under this Act is referred to the licensing authority under the last preceding paragraph, and that application has not been withdrawn, the clerk to the authority shall give to the applicant, to the holder of the licence, to the appropriate officer of police, to the Board and to the appropriate collector of duty not less than twenty-one days' notice in writing of the date, time and place appointed for the consideration of the application by the authority, and shall send to the holder of the licence together with that notice a copy of the applicant's statement of the grounds on which the application is made.
- 38 At any meeting of the licensing authority to consider such an application, the applicant and the holder of the licence shall be entitled to be heard either in person or by counsel or a solicitor ;
- and, where the applicant is a person other than the appropriate officer of police, the licensing authority shall also hear any representations made by that officer or by any person authorised by him in that behalf.
- 39 A licensing authority may from time to time adjourn the consideration of any application for the cancellation of a licence under this Act.
- 40 On the consideration of any such application, a licensing authority may take evidence on oath and may make such order as they think fit for the payment of costs (or, in Scotland, expenses)—
- (a) by the applicant to the holder of the licence, or
 - (b) by the holder of the licence to the applicant.
- 41 The licensing authority shall refuse any such application if they are satisfied that it is made on grounds which have been, or ought properly to have been, raised previously by way of objection either when the licence was granted or on an occasion when it has been renewed.

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

- 42 Subject to the last preceding paragraph, on any application for the cancellation of a licence under this Act which is referred to them, the licensing authority may cancel the licence on any of the grounds specified in paragraph 20 or paragraph 21 of this Schedule.
- 43 If on such an application the licensing authority decide not to cancel the licence, the authority shall cause notice in writing to be given to the applicant that the application is refused, without prejudice to the raising of the same matters by way of objection to a renewal of the licence.
- 44 If on such an application the licensing authority decide to cancel the licence, the cancellation—
- (a) shall not take effect until the time within which the holder of the licence can appeal against that decision has expired, and
 - (b) if he so appeals, shall not take effect until the appeal has been determined or abandoned.
- 45 The provisions of paragraphs 29 and 30 of this Schedule (in England or Wales) or paragraph 33 of this Schedule (in Scotland) shall have effect in relation to the cancellation of a licence under this Act as they have effect in relation to a refusal to grant or renew such a licence, as if in those paragraphs—
- (a) any reference to the applicant were a reference to the holder of the licence, and
 - (b) any reference to a person who opposed the application before the licensing authority were a reference to the person who made the application for the cancellation of the licence.
- 46 (1) Where a licensing authority in England or Wales refuse to cancel a licence under this Act, the Board may, by notice to the clerk of the licensing authority, appeal against the decision of the licensing authority to a court of quarter sessions having jurisdiction in the authority's area.
- (2) The provisions of paragraph 31(2) to (4) and paragraph 32 of this Schedule shall have effect in relation to any such appeal as they have effect in relation to an appeal by the Board against the grant or renewal of such licence, as if in those provisions—
- (a) any reference to any person (other than the Board) who opposed the application before the licensing authority were omitted, and
 - (b) any reference to the applicant who applied for the grant or renewal were a reference to the holder of the licence.
- 47 (1) Where a licensing authority in Scotland refuse to cancel a licence under this Act, the Board may, within such time, and in accordance with such rules, as may be prescribed by the Court of Session by Act of Sederunt, appeal against the decision of the licensing authority to the sheriff having jurisdiction in the authority's area.
- (2) Sub-paragraphs (2) and (3) of paragraph 33 of this Schedule shall have effect in relation to appeals under this paragraph as they have effect in relation to appeals under that paragraph.
- 48 (1) Where the holder of a licence under this Act in respect of any premises is convicted of an offence under Schedule 3 to the Finance Act 1966 in respect of a contravention of section 13 or section 14 of that Act, and the Commissioners of Customs and Excise—
- (a) certify to the court by or before which he is so convicted that the conviction is a second or subsequent conviction for such an offence committed (whether by the same or by some other person) in relation to gaming on those premises

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

and while the same person has been the holder of a licence under this Act in respect of those premises, and

(b) apply to the court for effect to be given to this sub-paragraph,

that court shall order that the licence under this Act in respect of those premises shall be cancelled.

- (2) An order made under this paragraph by a court in England or Wales—
- (a) shall not have effect until the end of the period within which notice of appeal against the conviction which gave rise to the order may be given ;
 - (b) if notice of appeal against that conviction is duly given, shall not have effect until the appeal has been determined or abandoned; and
 - (c) shall not have effect if, on such an appeal, the appeal is allowed.
- (3) An order made under this paragraph by a court in Scotland—
- (a) shall not have effect until the end of the period of fourteen days beginning with the date on which the order was made ;
 - (b) if an appeal against the conviction which gave rise to the order is begun within that period, shall not have effect until the appeal has been determined or abandoned or deemed to have been abandoned ; and
 - (c) shall not have effect if, on such an appeal, the appeal is allowed.
- (4) Where a person is the holder of a licence under this Act, and the licence is cancelled by virtue of an order made under this paragraph, the clerk of the court by which the order was made shall, unless he is also the clerk to the licensing authority, send a copy of the order to the clerk to the licensing authority; and (without prejudice to the renewal of any other licence under this Act held by the same person) the licensing authority shall, notwithstanding anything in the preceding provisions of this Schedule, refuse any application by that person for the grant of a licence under this Act in respect of the same or any other premises if it is made less than twelve months after the date of the order.

Disqualification order on cancellation of licence

- 49 (1) Where under paragraph 42 of this Schedule a licensing authority cancels a licence under this Act, the authority may make a disqualification order under this paragraph prohibiting such a licence from being held in respect of the relevant premises during a period specified in the order. '
- (2) The period specified in a disqualification order under this paragraph shall not exceed five years from the date on which the order comes into force.
- (3) Subject to the next following paragraph, where a disqualification order under this paragraph is made, any licence within the prohibition, if previously obtained, shall by virtue of the order be cancelled, or, if subsequently obtained, shall be null and void.
- 50 Where a licensing authority decides to cancel a licence under this Act, and makes a disqualification order under the last preceding paragraph in respect of the relevant premises, paragraph 44, and the provisions applied by paragraph 45, of this Schedule shall have effect in relation to the disqualification order as they have effect in relation to the cancellation of the licence.

Form and duration of licence

- 51 (1) A licence under this Act shall be in the prescribed form and shall—

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

- (a) specify by name and description the club which was so specified in the application for the licence in accordance with paragraph 5(2) of this Schedule; and
 - (b) specify (in such manner as may be sufficient to identify it) the certificate of consent under this Schedule in pursuance of which that application was made.
- (2) If any such licence as granted or renewed is subject to any restrictions imposed under paragraph 24 or paragraph 25 of this Schedule, the licence as granted or renewed shall include a statement of those restrictions.
- 52 (1) Subject to the following provisions of this Schedule, and without prejudice to the cancellation of any licence, whether in consequence of the revocation of a certificate of consent or by virtue of a disqualification order or otherwise, a licence under this Act—
- (a) if not renewed, shall cease to be in force at the end of the month of May in the year following that in which it was granted, or
 - (b) if renewed, shall, unless further renewed, cease to be in force at the end of the month of May in the year following that in which it was last renewed.
- (2) In the application of sub-paragraph (1)(a) of this paragraph to a licence which is in force on the date on which section 1 of this Act comes into operation, for the reference to the month of May therein mentioned there shall be substituted a reference to the first month of May following the first anniversary of that date.
- 53 (1) Where an application for the renewal of a licence under this Act has been duly made, the licence shall not cease to be in force by virtue of the last preceding paragraph before the licensing authority have determined the application.
- (2) Where, on such an application, the licensing authority refuse to renew the licence, it shall not cease to be in force by virtue of the last preceding paragraph before the time within which the applicant can appeal against the refusal has expired, and, if he so appeals, shall not cease to be in force by virtue of that paragraph until the appeal has been determined or abandoned.
- 54 If the holder of a licence under this Act dies while the licence is in force—
- (a) the licence shall not cease to be in force by virtue of paragraph 52 of this Schedule before the end of the period of six months beginning with the date of his death, and
 - (b) except for the purposes of a renewal of the licence, his personal representatives shall be deemed to be the holder of the licence ;
- and the licensing authority may from time to time, on the application of those personal representatives, extend or further extend the period for which the licence continues to be in force by virtue of this paragraph if satisfied that the extension is necessary for the purpose of winding up the estate of the deceased and that no other circumstances make it undesirable.
- Certificate of consent for purposes of application for transfer of licence*
- 55 (1) An application for the transfer of a licence under this Act from one person to another shall be of no effect unless the Board have issued to the applicant a certificate consenting to his applying for a transfer of the licence to that other person, and that certificate is for the time being in force and the application is made within the period specified in the certificate.

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

- (2) In the following provisions of this Schedule any reference to an application for the transfer of a licence under this Act shall be construed as not including any application which by virtue of the preceding sub-paragraph is of no effect.
- 56 (1) The provisions of this paragraph shall have effect in relation to any application to the Board for such a certificate of consent as is mentioned in the last preceding paragraph.
- (2) The Board shall not issue a certificate on any such application if it appears to the Board that the person to whom the licence is proposed to be transferred (in this and the next following paragraph referred to as "the proposed transferee")—
- (a) not being a body corporate, is under twenty-one years of age, or
 - (b) not being a body corporate, is not resident in Great Britain or was not so resident throughout the period of six months immediately preceding the date on which the application was made, or
 - (c) being a body corporate, is not incorporated in Great Britain.
- (3) Subject to sub-paragraph (2) of this paragraph, in determining whether to issue such a certificate of consent the Board shall have regard only to the question whether, in their opinion, the proposed transferee is likely to be capable of, and diligent in, securing that the provisions of this Act and of any regulations made under it will be complied with, that gaming on the premises specified in the licence will be fairly and properly conducted, and that the premises will be conducted without disorder or disturbance.
- (4) For the purposes of sub-paragraph (3) of this paragraph the Board shall in particular take into consideration the character, reputation and financial standing—
- (a) of the proposed transferee, and
 - (b) of any person (other than the proposed transferee) by whom, if the licence in question were transferred to the proposed transferee, the club specified in the licence would be maintained, or for whose benefit, if that licence were so transferred, that club would be carried on,
- but may also take into consideration any other circumstances appearing to them to be relevant in determining whether the proposed transferee is likely to be capable of, and diligent in, securing the matters mentioned in that sub-paragraph.
- (5) If on an application made under the last preceding paragraph the Board issue to the applicant a certificate consenting to his applying for the transfer of the licence to the proposed transferee, the certificate shall specify a period within which an application to the licensing authority for the transfer of the licence can be made.
- 57 (1) Where the Board have issued a certificate of consent in respect of the transfer of a licence under this Act, then, subject to the following provisions of this paragraph, the Board may revoke that certificate at any time before the licence has been transferred to the proposed transferee.
- (2) The Board shall not revoke a certificate by virtue of this paragraph unless it appears to them either—
- (a) that any information which, in or in connection with the application on which the certificate was issued, was given to the Board by or on behalf of the applicant for the certificate was false in a material particular, or
 - (b) that, since the certificate was issued, a licence under this Act held by the proposed transferee has been cancelled by virtue of a disqualification order

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

made under section 24 of this Act or under this Schedule or in the exercise of the powers conferred on the licensing authority or the court by this Schedule.

- (3) Where the Board determine to revoke a certificate by virtue of this paragraph they shall serve a notice on the holder of the certificate stating that the certificate is revoked ; and the revocation shall take effect on the service of that notice.
- (4) Where the Board serve a notice under sub-paragraph (3) of this paragraph they shall send a copy of the notice to the clerk to the licensing authority, to the appropriate officer of police and to the appropriate collector of duty.

Transfer of licence

- 58 (1) An application for the transfer of a licence under this Act from one person to another may be made at any time, and shall be made to the clerk to the licensing authority in such form and manner as may be prescribed and shall be accompanied by a copy of the certificate of consent issued by the Board for the purposes of that application.
- (2) Not later than seven days after the date on which the application is made, the applicant shall send a copy of the application—
- (a) to the Board ;
 - (b) to the appropriate officer of police ;
 - (c) to the appropriate local authority ; and
 - (d) to the appropriate collector of duty.
- 59 Paragraphs 10 and 11 of this Schedule shall have effect in relation to any such application as they have effect in relation to an application for the grant of a licence under this Act made during the initial period.
- 60 On an application for the transfer of a licence under this Act the licensing authority shall not refuse to transfer the licence except on the grounds—
- (a) that the person to whom the licence is proposed to be transferred is not a fit and proper person to be the holder of a licence under this Act;
 - (b) that, if the licence were transferred to that person, the club specified in the licence would be managed by, or carried on for the benefit of, a person (other than the proposed transferee) who would himself be refused the grant of a licence under this Act on the grounds that he is not a fit and proper person to be the holder of such a licence ; or
 - (c) that any duty payable by the proposed transferee under section 13 or section 14 of the Finance Act 1966 remains unpaid.
- 61 Paragraphs 29 to 34 of this Schedule (with the omission of paragraphs 31(1)(b) and 34(1)(b)) shall have effect in relation to the transfer of licences under this Act as they have effect in relation to the grant or renewal of such licences.

Revocation of certificate after transfer of licence

- 62 In relation to a licence under this Act which has been transferred, and in relation to the certificate of consent in pursuance of which the application for the grant of such a licence was made, the provisions of paragraph 35 of this Schedule shall have effect as if, in sub-paragraphs (2), (3)(a) and (4) of that paragraph, any reference to the holder of the certificate were a reference to the person who is for the time being the holder of the licence.

Payment of fees

- 63 (1) Notwithstanding anything in the preceding provisions of this Schedule, no licence under this Act shall be granted, renewed or transferred except on payment by the applicant to the clerk to the licensing authority of the fee chargeable in accordance with section 48 of this Act.
- (2) The clerk to a licensing authority in Scotland shall pay over all fees received by him under this paragraph to the local authority liable under section 21 of the Licensing (Scotland) Act 1959 to defray the expenses of the licensing authority ; and that local authority shall pay to that clerk, in respect of anything done by him under this Act, such fees as the Court of Session may by Act of Sederunt prescribe.

Notification of change in directors of body corporate holding licence

- 64 (1) Where the holder of a licence under this Act is a body corporate, then if at any time a change occurs—
- (a) in the persons who are directors of that body corporate, or
 - (b) in the persons in accordance with whose directions or instructions the directors of that body corporate are accustomed to act,
- the body corporate shall as soon as reasonably practicable after that time serve on the clerk to the licensing authority, the appropriate officer of police and the Board, a notice giving particulars of the change.
- (2) A body corporate which fails to comply with the preceding sub-paragraph shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100.

Relinquishment of licence

- 65 (1) The holder of a licence under this Act may at any time relinquish the licence by notice to the clerk to the licensing authority; and, where such a notice is given, the licence shall thereupon be treated as cancelled.
- (2) Where the holder of a licence under this Act relinquishes the licence under this paragraph, the clerk to the licensing authority shall give notice of that fact to—
- (a) the Board;
 - (b) the appropriate officer of police ;
 - (c) the appropriate local authority ;
 - (d) the appropriate fire authority, if that authority is not the same body as the appropriate local authority ; and
 - (e) the appropriate collector of duty.