

SCHEDULES

SCHEDULE 3

Section 11(2).

REGISTRATION OF MEMBERS' CLUBS UNDER PART II IN ENGLAND AND WALES

Introductory

- 1 (1) Each licensing authority in England or Wales shall, in respect of premises within the area of the authority as mentioned in paragraph 1 of Schedule 2 to this Act, be the authority responsible for the registration of clubs and institutes under Part II of this Act and for the renewal and cancellation of any such registration.
- (2) In this Schedule "institute" means a miners' welfare institute.
- 2 Paragraph 2 of Schedule 2 to this Act shall have effect for the purposes of this Schedule as if in that paragraph references to a licence under this Act, to premises in respect of which such a licence is for the time being in force, and to an application relating to such a licence, were references respectively to registration under Part II of this Act, to premises in respect of which a club or institute is for the time being registered under Part II of this Act, and to an application relating to such registration.

Application for registration

- 3 Paragraphs 5 to 11 of Schedule 2 to this Act shall have effect in relation to applications for registration under Part II of this Act as they have effect in relation to applications for licences under this Act, but as if—
- (a) in paragraph 5(2) of that Schedule the words from "and shall be accompanied by a copy of the certificate" onwards, and in paragraphs 6(2) and 10(2) of that Schedule the words from "shall indicate" to "other than a bingo club licence" and
 - (b) paragraphs 6(3) and 10(3) of that Schedule, and
 - (c) any reference to the appropriate local authority or the appropriate fire authority,
- were omitted, and in paragraph 8 of that Schedule the reference to the date appointed under section 54(4) of this Act for the purposes of that paragraph were a reference to the date so appointed for the purposes of this paragraph.

Application for renewal of registration

- 4 (1) Any application for renewal of the registration of a club or institute under Part II of this Act shall (subject to sub-paragraph (3) of this paragraph) be made in January or February in the year in which the registration 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.

Status: This is the original version (as it was originally enacted).

- (2) In the case of each club or institute whose registration under Part II of this Act is due to expire in any particular year, where an application for renewal of the registration has not already been made, the clerk to the licensing authority shall before the end of January in that year serve on the chairman or secretary of the club or institute a notice stating that the registration is due to expire in that year and that any application for renewal of the registration must be made before the end of February.
- (3) The licensing authority may in any particular case entertain an application for renewal of such registration 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.
- 5 (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 renewal of registration under Part II of this Act, specifying the clubs and institutes in respect of which such applications have been made to the licensing authority in that year, 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 renewal of the registration of a particular club or institute specified in the notice 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 renewal of registration under Part II of this Act, the clerk to the licensing authority, if he has received from any person an objection in writing to renewal of the registration of a particular club or institute, and that objection has not been withdrawn, shall send a copy of the objection to the applicant for renewal of registration of that club or institute.

Proceedings on application for registration or renewal of registration

- 6 Paragraphs 14 to 17 of Schedule 2 to this Act shall have effect in relation to any application for registration or renewal of registration of a club or institute under Part II of this Act as they have effect in relation to applications for the grant or renewal of licences under this Act, but as if in paragraph 14(2) of that Schedule the references to the appropriate local authority and the appropriate fire authority were omitted.

Grounds for refusal to register or to renew registration

- 7 (1) The licensing authority shall refuse to register or to renew the registration of a club under Part II of this Act if it appears to the authority that the club—
- (a) is not a bona fide members' club, or
 - (b) has less than twenty-five members, or
 - (c) is of a merely temporary character.
- (2) Without prejudice to the preceding sub-paragraph, the licensing authority shall refuse to register a club or to renew the registration of a club under Part II of this Act if it appears to the authority that the principal purpose for which the club is established

or conducted is gaming, unless the authority are satisfied that the gaming in question consists exclusively of playing bridge or whist, or both bridge and whist.

- 8 The licensing authority may refuse to register a club or institute under Part II of this Act where the club or institute has previously been so registered and either—
- (a) its registration has been cancelled, or
 - (b) an application for renewal of that registration has been refused.
- 9 The licensing authority may refuse to renew the registration of a club or institute under Part II of this Act on any one or more of the following grounds, in addition to those specified in paragraph 7 of this Schedule, that is to say—
- (a) 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 ;
 - (b) that, while the club or institute has been registered under Part II of this Act, the relevant premises have not been so conducted as to prevent disturbance or disorder;
 - (c) that, while the club or institute has been so registered, gaming on the relevant premises has been dishonestly conducted ;
 - (d) that, while the club or institute has been so registered, the relevant premises have been used for an unlawful purpose or as a resort of criminals or prostitutes ;
 - (e) that any duty payable in respect of the premises under section 13 or section 14 of the Finance Act 1966 remains unpaid.
- 10 The licensing authority shall refuse to renew the registration of a club under Part II of this Act if they are satisfied that, while the club has been registered thereunder, the relevant premises have been habitually used for an unlawful purpose or as a resort of criminals or prostitutes.

Restrictions attached to registration

- 11 (1) On registering or renewing the registration of a club or institute under Part II of this Act, the licensing authority may, if they think fit, impose restrictions limiting the gaming to a particular part or parts of the relevant premises.
- (2) Any restrictions imposed under the preceding sub-paragraph shall be imposed so as to have effect until the registration of the club or institute under Part II of this Act ceases to have effect or is next renewed (whichever first occurs), but without prejudice, where the registration is renewed, to any power of the licensing authority under the preceding sub-paragraph to impose the like or any other restrictions on renewing the registration.

Appeal by applicant

- 12 (1) Where on an application under this Schedule the licensing authority refuse to register or renew the registration of a club or institute under Part II of this Act, or impose restrictions under the last preceding paragraph, 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.

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

- (2) Sub-paragraphs (2) to (5) of paragraph 29 of Schedule 2 to this Act, and paragraph 30 of that Schedule, shall have effect in relation to appeals under this paragraph as they have effect in relation to appeals under paragraph 29 of that Schedule.

Appeal by Board

- 13 (1) Where on an application under this Schedule the licensing authority register, or renew the registration of, a club or institute under Part II of 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 that the registration or renewal ought to have been refused, 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) On determining any appeal under this paragraph, or on being satisfied that the Board, after giving notice of such an appeal, have 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 applicant who applied for the registration or renewal;
 - (b) the Board ;
 - (c) any person (other than the Board) who opposed the application before the licensing authority ; or
 - (d) the licensing authority.
- (3) Sub-paragraphs (4) and (5) of paragraph 29, sub-paragraphs (2) to (5) of paragraph 30 and sub-paragraphs (2) and (3) of paragraph 31 of Schedule 2 to this Act shall have effect in relation to appeals under this paragraph as they have effect in relation to appeals under paragraph 31 of that Schedule.

Cancellation of registration

- 14 Paragraphs 36 to 44 of Schedule 2 to this Act shall have effect in relation to cancellation of the registration of a club or institute under Part II of this Act as they have effect in relation to cancellation of a licence under this Act, but as if—
- (a) any reference to the holder of the licence were a reference to the chairman or secretary of the club or institute, and
 - (b) in paragraph 42 of that Schedule, the reference to the grounds specified in paragraphs 20 and 21 of that Schedule were a reference to the grounds specified in paragraph 9 of this Schedule.
- 15 (1) Where on an application made by virtue of paragraph 14 of this Schedule the licensing authority decide to cancel the registration of a club or institute under Part II of this Act, the clerk to the licensing authority shall forthwith give notice of the decision of the authority to the chairman or secretary of the club or institute; and, within fourteen days from the date of service of that notice, the chairman or secretary may, by notice to the clerk to the licensing authority, appeal against the decision to a court of quarter sessions having jurisdiction in the authority's area.
- (2) The provisions of paragraph 29(2) to (5) of Schedule 2 to this Act, and of paragraph 30 of that Schedule, shall have effect in relation to appeals under this paragraph as they have effect in relation to appeals under paragraph 29 of that Schedule, but as if in those provisions 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 registration to be cancelled.

- 16 (1) Where an application for cancellation of the registration of a club or institute under Part II of this Act is made by the Board, and the licensing authority refuse to cancel the registration, 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) The provisions of paragraph 31(2) to (4) of Schedule 2 to this Act, and of paragraph 32 of that 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 a licence, but 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 chairman or secretary of the club or institute.
- 17 (1) Where a person 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 in relation to premises in respect of which a club or institute is for the time being registered under Part II of this 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 while that club or institute has been so registered, and
 - (b) apply to the court for effect to be given to this sub-paragraph,
- that court shall order that the registration of the club or institute under Part II of this Act shall be cancelled.
- (2) An order made under this paragraph—
- (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) Where the registration of a club or institute 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 the licensing authority shall, notwithstanding anything in the preceding provisions of this Schedule, refuse any application for the registration of that club or institute under Part II of 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.

Issue and duration of registration certificates

- 18 (1) Where on an application under this Schedule a club or institute is registered, or the registration of a club or institute is renewed, under Part II of this Act, the licensing authority shall issue to the applicant a certificate (in this Schedule referred to as a "registration certificate") which shall be in the prescribed form.
- (2) If the registration or any renewal of the registration of a club or institute is subject to any restrictions imposed under paragraph 11 of this Schedule, the registration certificate shall include a statement of those restrictions.

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- 19 (1) Subject to the following provisions of this Schedule, and without prejudice to the provisions of this Schedule as to cancellation the registration of a club or institute under Part II of this Act—
- (a) if not renewed, shall cease to have effect at the end of the month of May in the year following that in which it was effected, or
 - (b) if renewed, shall, unless further renewed, cease to have effect at the end of the period for which it was renewed or last renewed, as the case may be.
- (2) In the application of sub-paragraph (1)(a) of this paragraph to a club or institute which, on the date on which section 1 of this Act comes into operation, is for the time being registered under Part II of this Act, 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.
- 20 (1) An application for renewal of the registration of a club or institute under Part II of this Act may specify a number of years, not exceeding ten, for which the renewal is requested ; and any renewal of the registration shall be for such number of years, not exceeding the number specified in the application, as the licensing authority think fit.
- (2) Except as provided by the preceding sub-paragraph, any renewal of the registration shall be for a period of one year.
- 21 (1) Where the registration of a club or institute under Part II of this Act has been renewed for a period of two or more years, and is subject to any restriction imposed under paragraph 11 of this Schedule, then, with a view to the cancellation or variation of those restrictions, an application for renewal of the registration may be made in any of those years, notwithstanding that the registration is not due to expire in that year.
- (2) On any application made by virtue of this paragraph the registration may be renewed as if it were due to expire at the end of the month of May in that year.
- 22 (1) Where an application for renewal of the registration of a club or institute under Part II of this Act has been duly made, the registration shall not cease to have effect by virtue of paragraph 19 of this Schedule until the licensing authority have determined the application.
- (2) Where, on such an application, the licensing authority refuse to renew the registration, it shall not cease to have effect by virtue of paragraph 19 of this Schedule before the time within which the applicant can appeal against the refusal has expired, and, if he so appeals, shall not cease to have effect by virtue of that paragraph until the appeal has been determined or abandoned.

Payment of fees

- 23 Notwithstanding anything in the preceding provisions of this Schedule, a club or institute shall not be registered under Part II of this Act, and the registration of a club or institute thereunder shall not be renewed, 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.

Relinquishment of registration

- 24 (1) A club or institute registered under Part II of this Act may at any time relinquish its registration by notice given to the clerk to the licensing authority by the chairman or

secretary of the club or institute; and, where such a notice is given, the registration of the club or institute under Part II of this Act shall thereupon be treated as cancelled.

- (2) Where the registration of a club or institute is relinquished under this paragraph, the clerk to the licensing authority shall give notice of that fact to the Board, the appropriate officer of police and the appropriate collector of duty.