



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 4

#### CLUBS

##### *Variation of certificates*

#### **84 Application to vary club premises certificate**

- (1) A club which holds a club premises certificate may apply to the relevant licensing authority for variation of the certificate.
- (2) Subsection (1) is subject to regulations under—
  - (a) section 91 (form etc. of applications);
  - (b) section 92 (fees to accompany applications).
- (3) An application under this section must also be accompanied by the club premises certificate or, if that is not practicable, by a statement of the reasons for the failure to provide the certificate.
- [<sup>F1</sup>(4) The functions of the Secretary of State under subsections (6) and (7) of section 71 (advertisements etc. of application) apply in relation to applications under this section as they apply in relation to applications under that section.]

#### **Textual Amendments**

- F1** S. 84(4) substituted (28.12.2009) by [The Provision of Services Regulations 2009 \(S.I. 2009/2999\)](#), [reg. 49\(10\)](#), (with regs. 2, 5)

#### **Commencement Information**

- II** S. 84(4) in force at 16.12.2003 by [S.I. 2003/3222](#), [art. 2](#), [Sch.](#); s. 84(1)-(3) in force for certain purposes at 7.2.2005 and 7.8.2005 otherwise by [S.I. 2004/2360](#), [art. 2](#), [Sch.](#); [S.I. 2005/2090](#), [art. 2](#), [Sch.](#)

*Changes to legislation: Licensing Act 2003, Cross Heading: Variation of certificates is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## 85 Determination of application under section 84

- (1) This section applies where the relevant licensing authority—
- (a) receives an application, made in accordance with section 84, to vary a club premises certificate, and
  - (b) is satisfied that the applicant has complied with any requirement imposed by virtue of subsection (4) of that section.
- (2) Subject to subsection (3) and section 86(6), the authority must grant the application.
- (3) Where relevant representations are made, the authority must—
- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
  - (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers [<sup>F2</sup>appropriate] for the promotion of the licensing objectives.
- (4) The steps are—
- (a) to modify the conditions of the certificate;
  - (b) to reject the whole or part of the application;
- and for this purpose the conditions of the certificate are modified if any of them is altered or omitted or any new condition is added.
- (5) In this section “relevant representations” means representations which—
- (a) are about the likely effect of the grant of the application on the promotion of the licensing objectives, and
  - (b) meet the requirements of subsection (6).
- (6) The requirements are—
- (a) that the representations are made by [<sup>F3</sup>a responsible authority or other person] within the period prescribed under section 71(6)(c) by virtue of section 84(4),
  - (b) that they have not been withdrawn, and
  - (c) in the case of representations made by [<sup>F4</sup>a person who is not a responsible authority], that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (7) Subsections (2) and (3) are subject to sections 73 [<sup>F5</sup>to 74] (mandatory conditions relating to [<sup>F6</sup>alcohol] and to exhibition of films).

### Textual Amendments

- F2** Word in s. 85(3)(b) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 110\(4\)](#), [157\(1\)](#) (with [s. 110\(6\)](#)); S.I. 2012/1129, art. 2(d)
- F3** Words in s. 85(6)(a) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 107\(5\)\(a\)](#), [157\(1\)](#) (with [s. 107\(9\)](#)); S.I. 2012/1129, art. 2(d)
- F4** Words in s. 85(6)(c) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 107\(5\)\(b\)](#), [157\(1\)](#) (with [s. 107\(9\)](#)); S.I. 2012/1129, art. 2(d)
- F5** Words in s. 85(7) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 112](#), [116](#), [Sch. 7 para. 40\(a\)](#); S.I. 2010/125, art. 2(t)
- F6** Words in s. 85(7) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 112](#), [116](#), [Sch. 7 para. 40\(b\)](#); S.I. 2010/125, art. 2(t)

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### Commencement Information

- I2** S. 85 in force at 2.7.2005 for certain purposes and 7.8.2005 otherwise by [S.I. 2004/2360](#), [art. 2\(1\)](#), [Sch.](#); [S.I. 2005/2090](#), [art. 2](#), [Sch.](#)

## 86 Supplementary provision about applications under section 84

- (1) Where an application (or any part of an application) is granted under section 85, the relevant licensing authority must forthwith give a notice to that effect to—
- the applicant,
  - any person who made relevant representations in respect of the application, and
  - the chief officer of police for the police area (or each police area) in which the premises are situated.

- (2) Where relevant representations were made in respect of the application, the notice under subsection (1) must specify the authority's reasons for its decision as to the steps (if any) to take under section 85(3)(b).

- (3) The notice under subsection (1) must specify the time when the variation in question takes effect.

That time is the time specified in the application or, if that time is before the applicant is given the notice, such later time as the relevant licensing authority specifies in the notice.

- (4) Where an application (or any part of an application) is rejected under section 85, the relevant licensing authority must forthwith give a notice to that effect stating its reasons for rejecting the application to—
- the applicant,
  - any person who made relevant representations, and
  - the chief officer of police for the police area (or each police area) in which the premises are situated.

- (5) Where the relevant licensing authority determines for the purposes of section 85(6)(c) that any representations are frivolous or vexatious, it must give the person who made them its reasons for that determination.

- (6) A club premises certificate may not be varied under section 85 so as to vary substantially the premises to which it relates.

- (7) In discharging its duty under subsection (2) or (3)(b) of that section, a licensing authority may vary a club premises certificate so that it has effect subject to different conditions in respect of—

- different parts of the premises concerned;
- different qualifying club activities.

- (8) In this section “relevant representations” has the meaning given in section 85(5).

### Commencement Information

- I3** S. 86 in force at 2.7.2005 for certain purposes and otherwise at 7.8.2005 by [S.I. 2004/2360](#), [art. 2\(1\)](#), [Sch.](#); [S.I. 2005/2090](#), [art. 2](#), [Sch.](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5A inserted by [2015 c. 20 s. 67\(2\)](#)Sch. 17
- s. 2(1A) inserted by [2015 c. 20 s. 67\(1\)](#)
- s. 10(4)(e) and word inserted by [2011 c. 13 s. 121\(3\)\(b\)](#)
- s. 140(2)(e) inserted by [2015 c. 20 s. 67\(4\)\(b\)](#)
- s. 141(2)(e) inserted by [2015 c. 20 s. 67\(5\)\(b\)](#)
- s. 143(2)(e) inserted by [2015 c. 20 s. 67\(6\)\(b\)](#)
- s. 144(2)(e) inserted by [2015 c. 20 s. 67\(7\)\(b\)](#)
- s. 147A(4)(c) inserted by [2015 c. 20 s. 67\(8\)\(b\)](#)
- s. 153(4)(d) inserted by [2015 c. 20 s. 67\(9\)\(b\)](#)
- s. 197(3)(cza) inserted by [2015 c. 20 s. 67\(12\)\(a\)](#)
- s. 197A197B inserted by [2011 c. 13 s. 121\(2\)](#)