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## SCHEDULES.

### SIXTH SCHEDULE

#### PART I

#### PROVISIONS AS TO JUSTICES' LICENCES IN SUSPENSE BY REASON OF WAR CIRCUMSTANCES.

*Extinguishment of licences in suspense on grounds of conduct  
or fitness, or on reference to the compensation authority.*

- 9 (1) Objection to the continuance of a licence which is for the time being in suspense may be made at any general annual licensing meeting on grounds relating to the conduct of the holder of the licence or to his fitness to be the holder thereof, and if objection is so made and the licensing justices are satisfied that if the licence had then been in force for all purposes and an application for the renewal thereof had been made at that meeting they would have refused it on those grounds, they may order that the licence shall be extinguished :

Provided that, notwithstanding the making of such an order, a transfer of the licence may be granted on an application made at the meeting at which the order was made or at the first transfer sessions thereafter, and if a transfer thereof is so granted the order shall not have effect.

- (2) In relation to an old off-licence or an old on-licence the reference in this paragraph to grounds relating to conduct or fitness of the holder of the licence shall be construed as a reference only to the grounds specified in the Second Part of the First Schedule to the Licensing Act or in the Second Part of the Second Schedule thereto, as the case may be, with the substitution for references therein to the applicant or proposed holder of the licence of references to the holder thereof and for references to the house or shop in respect of which a licence-is sought or the applicant applies of references to the licensed premises:

Provided that, in a case in which it is certified that the war circumstances included the destruction of the premises or serious damage thereto, no regard shall be had for the purposes of this paragraph to the licensed premises' not being duly qualified as by law is required or being structurally deficient or structurally unsuitable.

- 10 (1) Where the licensing justices are of opinion, in the case of any old on-licence which is in suspense at the time of any general annual licensing meeting, that, if the licence had then been in force for all purposes and an application for the renewal thereof had been made at that meeting, the question of the renewal thereof would have required consideration on grounds other than those on which the renewal of an old on-licence can be refused by them, they shall refer to the compensation authority the question of the extinguishment of the licence together with their report thereon.
- (2) The compensation authority shall consider any report so made to them with respect to any licence, and may, if they think it expedient, after giving the persons interested in the licensed premises, and, unless it appears to the compensation authority

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unnecessary, any other persons appearing to them to be interested (including the licensing justices), an opportunity of being heard, extinguish the licence, subject to payment of the like compensation as would have been payable under the Licensing Act if an application for the renewal of the licence had been made, and refused by the compensation authority.

- (3) Sections twenty, twenty-one and forty-seven of the Licensing Act shall have effect with the requisite modifications in relation to the extinguishment of old on-licences under this paragraph as they have effect in relation to the refusal of renewal of such licences by the compensation authority.
- 11 (1) If a discontinuance of business by virtue of which a licence becomes a licence in suspense occurs, or has occurred, between the date of a general annual licensing meeting and the fifth day of April next following and, in proceedings taken in relation to any objection to the renewal of the licence made at that meeting on such grounds as are mentioned in paragraph 9 of this Part of this Schedule, or in relation to any reference to the compensation authority of the question of the renewal of the licence at that meeting, the renewal of the licence is or has been refused, the refusal shall have effect, or be deemed to have had effect, as if it had been an order made under paragraph 9 or paragraph 10, as the case may be, of this Part of this Schedule for the extinguishment of the licence.
- (2) A licence subsisting by virtue of a provisional renewal pending a reference to the compensation authority and becoming a licence in suspense, shall be, or be deemed to have been, extinguished upon a refusal of the renewal by the compensation authority.