

## SCHEDULES.

### FIRST SCHEDULE

#### PROVISIONS AS TO JUSTICES' LICENCES IN SUSPENSE BY REASON OF COMPULSORY ACQUISITION.

##### *Extinguishment of licences in suspense.*

- 5 Where the licensing justices for any district are satisfied as respects any licence granted for premises in that district which is for the time being in suspense—
- (a) that removal of the licence as mentioned in paragraph (b) of subsection (2) of the principal section would no longer be prevented as mentioned in that paragraph, or
  - (b) where it is proposed to recommence the business in question on the same site, that it would be reasonably practicable to carry out any such works as are mentioned in sub-paragraph (3) of paragraph 3 of this Schedule,
- they may by order direct that the licence shall be extinguished at the expiration of such period as may be specified in the order unless under the foregoing provisions of this Schedule it is again in force for all purposes before the expiration of that period.
- 6 Where the premises in respect of which a licence in suspense was granted are in a licensing planning area, proposals of the licensing planning committee made with the agreement thereto of the holder of the licence may provide for the extinguishment of the licence, and on the confirmation of proposals so providing the licence shall be extinguished.
- 7 (1) Where the licensing justices for any district are of opinion, in the case of an old on-licence granted in respect of premises in their district 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 holder of the licence and, unless it appears to the compensation authority 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) This paragraph shall not apply in relation to a licence granted in respect of premises in a licensing planning area.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (4) 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.
- 8 (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—
- (a) in proceedings taken in relation to any objection to the renewal of the licence made at that meeting on grounds relating to the conduct of the holder of the licence or to his fitness to be the holder thereof, or
  - (b) in proceedings taken 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 licence shall be, or be deemed to have been, extinguished, and where the renewal is refused in such proceedings as are mentioned in head (b) of this sub-paragraph, sub-paragraph (4) of the last foregoing paragraph shall apply as if the licence had been extinguished under that paragraph.
- (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.
- 9 If His Majesty by Order in Council declares that the removal of licences as mentioned in paragraph (b) of subsection (2) of the principal section is in general no longer prevented as mentioned in that paragraph, every licence in suspense at the date of the Order in Council shall be extinguished at the expiration of such period as may be specified therein unless under the foregoing provisions of this Schedule it is again in force for all purposes before the expiration of that period.
- 10 The licensing justices may, if application is made to them in that behalf, extend the period specified in an order made by them under paragraph 5 of this Schedule, or, in relation to any particular licence, the period specified in an Order in Council made under the last preceding paragraph.