
STATUTORY INSTRUMENTS

1996 No. 977

The Deregulation (Special Hours Certificates) Order 1996

Provisional grant of Special Hours Certificate by Magistrates' Courts

4. After section 78 of the Licensing Act 1964 there shall be inserted—

“Provisional grant of Special Hours Certificates by Magistrates' Court

78ZA.—(1) Where, on an application made to the magistrates' court with respect to premises in respect of which a club is or is to be registered and which are to be, or are in the course of being altered or extended, the court is satisfied—

- (a) that a certificate granted under section 79 of this Act is in force for the premises; and
- (b) that the whole or any part of the premises is intended to be used, and, if completed in accordance with plans deposited with the court, will be structurally adapted, for the purpose of providing for the members of the club music and dancing and substantial refreshment to which the supply of intoxicating liquor is ancillary,

the court may make a provisional grant, with or without limitations, of a special hours certificate for the premises or, if the court is satisfied that part only of the premises is intended to be used or will be adapted as mentioned in paragraph (b) of this subsection, for that part.

(2) Where a special hours certificate has been granted under subsection (1) of this section, the magistrates' court may, on application by the person who applied for the certificate, consent to any modification of the deposited plans if, in its opinion, the premises to which the certificate relates will, if completed in accordance with the modified plans, be structurally adapted for the purpose mentioned in paragraph (b) of that subsection.

(3) Where a special hours certificate has been granted under subsection (1) of this section, the magistrates' court shall, after such notice has been given as it may require, declare the provisional grant final on being satisfied, in relation to the premises to which the certificate relates—

- (a) that they are, or are part of, premises in respect of which a club is or is to be registered;
- (b) that they are, or are part of, premises for which a certificate granted under section 79 of this Act is in force; and
- (c) that the premises have been completed in accordance with the deposited plans.

(4) Until a provisional grant under subsection (1) of this section has been declared final under subsection (3) of this section, the certificate to which the provisional grant relates shall not be valid.

(5) Where a magistrates' court—

- (a) refuses to make a provisional grant of a special hours certificate;
- (b) makes a provisional grant of such a certificate with limitations;
- (c) refuses to declare a provisional grant of such a certificate final; or

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(d) refuses to give consent, on the application of the person who applied for the certificate, to any modification of the deposited plans, it shall specify in writing to the applicant its reasons for doing so.”.