
STATUTORY INSTRUMENTS

1997 No. 1133

DEREGULATION

The Deregulation (Occasional Permissions) Order 1997

Made - - - - - *21st March 1997*

Coming into force - - - - - *22nd March 1997*

Whereas—

- (a) the Secretary of State is of opinion that certain provisions of the Licensing (Occasional Permissions) Act 1983(1) impose burdens affecting persons in the carrying on of a trade, business, profession or otherwise and that by amending the provisions concerned it is possible to remove or reduce the burdens without removing any necessary protection;
- (b) the Secretary of State has consulted such organisations as appear to him to be representative of interests substantially affected by his proposals and such other persons as he considers appropriate;
- (c) it appears to the Secretary of State that it is appropriate, following that consultation, to proceed with the making of this Order;
- (d) a document setting out the Secretary of State's proposals has been laid before Parliament in accordance with section 3 of the Deregulation and Contracting Out Act 1994(2) and the period for Parliamentary consideration under section 4 of that Act has expired;
- (e) the Secretary of State has had regard to representations made during that period;
- (f) a draft of this Order has been laid before Parliament with a Statement giving details of such representations and the changes to the Secretary of State's proposals in the light of those representations;
- (g) a draft of this Order has been approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by section 1 of the Deregulation and Contracting Out Act 1994, hereby makes the following Order:

Citation, commencement and extent

- 1.—(1) This Order may be cited as the Deregulation (Occasional Permissions) Order 1997.
- (2) This Order shall come into force on the day after the day on which it is made.
- (3) This Order does not extend to Scotland or Northern Ireland.

(1) 1983 c. 24.
(2) 1994 c. 40.

Amendments of the Licensing (Occasional Permissions) Act 1983

2.—(1) The Licensing (Occasional Permissions) Act 1983 shall be amended as set out in articles 3 to 6 below.

Removal of requirements relating to applicant for occasional permission

3.—(1) In section 1 (grant of occasional permissions)—

- (a) in subsection (1) (which provides for the grant of a permission to an officer of an organisation), for “an officer” there shall be substituted “a member”, and
- (b) in subsection (2) (which requires the officer to be resident in the licensing district)—
 - (i) in paragraph (a), for “officer” there shall be substituted “member” and the words “and is resident in their licensing district” shall be omitted, and
 - (ii) in paragraph (b), for “that district” there shall be substituted “their licensing district”.

(2) In section 2 (which contains requirements relating to applications for occasional permissions)

—
(a) in subsection (1), in paragraph (c)—

- (i) at the beginning there shall be inserted “where the applicant is an officer in the organisation or branch holding the function,”, and
- (ii) for “the applicant’s office in the organisation or branch holding the function” there shall be substituted “his office”, and

(b) after that subsection there shall be inserted—

“(1A) Where an application for an occasional permission is made by a person who is not an officer in the organisation or branch holding the function in respect of which the application is made, the application shall contain a signed statement by an officer of the organisation or branch—

- (a) confirming that the application is made with its approval, and
- (b) indicating the nature of his office.”.

Increase in number of occasional permissions which may be granted in twelve month period

4. In section 1(4) (which limits the number of occasional permissions granted to four in a twelve month period), for “four” there shall be substituted “twelve”.

Change in time limits for making application for occasional permission

5. In section 2(2) (which requires an application for an occasional permission to be made at least one month before the function to which it relates), for “one-month” there shall be substituted “twenty-one days”.

Obligation for licensing justices to give reasons for requiring attendance of applicant at hearing

6.—(1) After section 2(6) there shall be inserted—

“(6A) Where, under subsection (6) above, the licensing justices require the attendance in person of an applicant who was granted an occasional permission in their licensing district in the twelve months preceding the receipt by them of the application under consideration, they shall inform the applicant in writing of their reasons for doing so.”.

(2) This article applies in relation to any application for an occasional permission which is made on or after this Order comes into force.

Home Office
21st March 1997

Timothy Kirkhope
Parliamentary Under-Secretary of State

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Licensing (Occasional Permissions) Act 1983 to increase from four to twelve the number of occasional permissions which may be granted to an eligible organisation in a year. It also provides for applications to be made by members of an organisation in addition to its officers; it reduces from one month to twenty-one days the period of notice which must be given of an application; and it requires the licensing justices to give written reasons for requiring the personal attendance of an applicant if he had been granted an occasional permission in the last year.