

SCHEDULES

SCHEDULE 12

Section 52.

LICENSING OF PUBLIC ENTERTAINMENTS IN GREATER LONDON ON AND AFTER 1ST APRIL 1965

Music and dancing licences

- 1 (1) Subject to sub-paragraph (6) of this paragraph no premises in Greater London, whether or not licensed for the sale of intoxicating liquor, shall be used for any of the following purposes, that is to say, public dancing or music and any other public entertainment of the like kind, except under and in accordance with the terms of a licence granted under this paragraph by the Greater London Council (hereafter in this Schedule referred to as " the Council").
- (2) The Council may grant to any applicant therefor and from time to time renew a licence for the use of any premises specified therein for all or any of the purposes aforesaid on such terms and conditions and subject to such restrictions as may be so specified.
- (3) Subject to the next following sub-paragraph and to paragraph 19 (3) of this Schedule, a licence granted under this paragraph shall, unless previously cancelled under paragraph 8 or revoked under paragraph 10 (4) of this Schedule, remain in force for one year or for such shorter period specified in the licence as the Council may think fit.
- (4) The Council may grant a licence under this paragraph in respect of such one or more particular occasions only as may be specified in the licence, and a licence granted by virtue of this sub-paragraph is hereafter in this Schedule referred to as an " occasional music licence ".
- (5) Where a licence has been granted under this paragraph to any person, the Council may, if they think fit, transfer that licence to any other person on the application of that other person or the holder of the licence.
- (6) Sub-paragraph (1) of this paragraph shall not apply to the Theatre Royal Drury Lane, the Royal Covent Garden Opera House, the Theatre Royal Haymarket or the Royal Albert Hall or to any entertainment lawfully held by virtue of letters patent or licence of the Crown or the licence of the lord chamberlain of Her Majesty's household.
- 2 (1) An applicant for the grant or transfer of a licence under paragraph 1 of this Schedule in respect of any premises shall give to the Council and to the commissioner of police in whose district the premises are situated not less than twenty-one days' notice of his intention to make the application and furnish such particulars and give such other notices as the Council may by regulations prescribe.
- (2) An applicant for the renewal of a licence under the said paragraph 1 shall give to the Council twenty-eight days' notice of his intention to make the application.

- (3) In relation to an application for the grant, renewal or transfer of an occasional music licence, the two foregoing sub-paragraphs shall have effect as if for the reference to twenty-one or, as the case may be, twenty-eight days' notice there were substituted a reference to fourteen days' notice and as if the requirement as to notice to the commissioner of police were omitted.
- 3 The person making an application for the grant, renewal or transfer of a licence under paragraph 1 of this Schedule shall (except where the licence is for an entertainment which in the opinion of the Council is of an educational or other like character or is given for a charitable or other like purpose) on making the application pay to the Council such fee as the Council may fix not exceeding—
- (a) where the application is for the grant or renewal of such a licence for a period of one year, not being an application in respect of such premises as are referred to in sub-paragraph (c) of this paragraph, one pound ;
 - (b) where the application is for the grant or renewal of such a licence for any period of less than one year, not being an application in respect of such premises as aforesaid, five shillings for every month or part of a month, so, however, that the aggregate of the fees payable in respect of the same year and the same premises shall not exceed one pound;
 - (c) where the application is in respect of premises for which a licence is for the time being in force under the Cinematograph Act 1909, five shillings for every month or part of a month, so, however, that the aggregate of the fees payable in respect of any licence in respect of those premises under the said paragraph 1 shall not in respect of any one year exceed ten shillings;
 - (d) where the application is for the transfer of a licence under the said paragraph 1, five shillings.

Boxing and wrestling licences

- 4 (1) This paragraph shall apply to any boxing or wrestling entertainment (that is to say, any public contest, exhibition or display of boxing or, as the case may be, wrestling) which is provided in Greater London other than such an entertainment provided—
- (a) by a travelling showman at a pleasure fair ;
 - (b) at the Royal Albert Hall;
 - (c) by members of the Boy Scouts' Association or of any organisation constituted by the Boy Scouts' Association in pursuance of their charter ;
 - (d) by any school; or
 - (e) by a bona fide association, club, hospital or society not carried on for profit.
- (2) A boxing or wrestling entertainment to which this paragraph applies shall not be given elsewhere than at premises licensed for the purpose in accordance with the provisions of this paragraph and in accordance with the terms of that licence.
- (3) The Council may grant to any applicant therefor and from time to time renew a licence to use any premises specified therein for the purpose of a boxing or wrestling entertainment on such terms and conditions and subject to such restrictions as may be so specified.
- (4) Subject to the next following sub-paragraph and to paragraph 19 (3) of this Schedule, a licence granted under this paragraph shall, unless previously cancelled under paragraph 8 or revoked under paragraph 10 (4) of this Schedule, remain in force for

one year or for such shorter period specified in the licence as the Council may think fit.

- (5) The Council may grant a licence under this paragraph in respect of such one or more particular occasions only as may be specified in the licence, and a licence granted by virtue of this sub-paragraph is hereafter in this Schedule referred to as an " occasional sports licence " .
- (6) Where a licence has been granted under this paragraph to any person, the Council may if they think fit transfer that licence to any other person on the application of that other person or the holder of the licence.
- 5 (1) An applicant for the grant, renewal or transfer of a licence under paragraph 4 of this Schedule other than an occasional sports licence shall give to the Council and to the commissioner of police in whose district the premises to which the application relates are situated not less than twenty-one days' notice of his intention to make the application.
- (2) An applicant for the grant, renewal or transfer of an occasional sports licence shall give to the Council not less than fourteen days' notice of his intention to make the application.
- 6 The person making an application for the grant, renewal or transfer of a licence under paragraph 4 of this Schedule shall on making the application pay to the Council such fee as the Council may fix not exceeding—
- (a) where the application is for the grant or renewal of a licence for a period of one year, two pounds ;
 - (b) where the application is for the grant or renewal of a licence (not being an occasional sports licence) for a period of less than one year, ten shillings for every month or part of a month, so, however, that the aggregate of the fees payable in respect of the same year and the same premises shall not exceed fifty shillings ;
 - (c) where the application is for the grant or renewal of an occasional sports licence, ten shillings;
 - (d) where the application is for the transfer of a licence, five shillings.

Transmission and cancellation of licences

- 7 In the event of the death of the holder of a licence granted under paragraph 1 or 4 of this Schedule, then, until a legal personal representative of the deceased holder has been duly constituted, the person carrying on at the premises in respect of which the licence was granted the functions to which the licence relates shall be deemed to be the holder of the licence unless and until it is transferred to some other person.
- 8 The Council upon receiving from the holder of a licence under paragraph 1 or 4 of this Schedule which is for the time being in force a written request in that behalf accompanied by the licence may cancel the licence.

Power to impose general terms, conditions and restrictions by regulations

- 9 (1) Subject to the provisions of this Schedule, the Council may make regulations prescribing generally the terms, conditions and restrictions on and subject to which licences under paragraph 1 or 4 of this Schedule may be granted, renewed or transferred and, where any such regulations are made, then, without prejudice to the power of the Council to grant a licence on any special terms or conditions or subject

to any special restrictions, every such licence shall be deemed to be granted subject to the regulations.

- (2) Prima facie evidence of any regulations under this paragraph may be given in any legal proceedings by the production of a copy purporting to be certified as a true copy by the clerk to the Council or some other officer of the Council authorised to give a certificate for the purposes of this paragraph, and no proof shall be required of the handwriting or official position or authority of any person giving such a certificate.

Enforcement of paragraphs 1 to 9

- 10 (1) If at any premises any entertainment in respect of which a licence is required under paragraph 1 or 4 of this Schedule is provided without such a licence being held in respect thereof, then—
- (a) any person concerned in the organisation or management of that entertainment; and
 - (b) any other person who, knowing or having reasonable cause to suspect that such an entertainment would be so provided at those premises—
 - (i) allowed the premises to be used for the provision of that entertainment; or
 - (ii) let the premises, or otherwise made the premises available, to any person by whom an offence in connection with the entertainment has been committed,
- shall be guilty of an offence.
- (2) If any premises in respect of which a licence under the said paragraph 1 or 4 is in force are used for any entertainment otherwise than in accordance with the terms, conditions or restrictions on or subject to which the licence is held, then, subject to paragraph 11 of this Schedule—
- (a) the holder of the licence ; and
 - (b) any other person who, knowing or having reasonable cause to suspect that the premises would be so used—
 - (i) allowed the premises to be so used ; or
 - (ii) let the premises, or otherwise made the premises available, to any person by whom an offence in connection with that use of the premises has been committed,
- shall be guilty of an offence,
- (3) Any person guilty of an offence under sub-paragraph (1) or (2) of this paragraph shall be liable on summary conviction to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding three months or to both.
- (4) If the holder of a licence under the said paragraph 1 or 4 is convicted by virtue of sub-paragraph (2) (a) of this paragraph, then, subject to paragraph 19 of this Schedule, the Council may revoke the licence.
- 11 Where, in the case of any premises in respect of which a licence under paragraph 1 of this Schedule is for the time being in force, a special order of exemption on any special occasion has been granted in respect of those premises under section 107 of the Licensing Act 1953, no person shall be guilty of an offence under paragraph 10 (2) of this Schedule by reason only of those premises being kept open on that special occasion for any of the purposes authorised by the licence after the latest

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hour so authorised but not later than the hour specified in that special order as the hour for closing.

- 12 (1) A police constable or any person appointed for the purpose by the Council may at all reasonable times enter any premises in respect of which a licence under paragraph 1 or 4 of this Schedule is for the time being in force at which he has reason to believe that an entertainment to which either of those paragraphs applies is being or is about to be given with a view to seeing whether the provisions of this Schedule applicable to that entertainment and the terms, conditions or restrictions on or subject to which the licence is held are complied with.
- (2) A police constable or any person appointed as aforesaid may, if authorised in that behalf by a warrant granted by a justice of the peace, enter any premises in respect of which he has reason to suspect that an offence under this Schedule is being committed.
- (3) Any person who refuses to permit any such constable or person to enter or inspect any premises in accordance with the provisions of this paragraph shall for every such refusal be liable on summary conviction to a fine not exceeding twenty pounds.

Modifications of Theatres Act 1843

- 13 References in the Theatres Act 1843 to having or keeping premises for the public performance of stage plays shall, in their application to premises which, by virtue of section 52 (1) of this Act, are for the purposes of that Act under the control of the Council, extend to and be deemed to include references to the using of premises whether on one occasion or on more than one occasion for the public performance of any stage play, and the expressions " have or keep " and " kept open " Wherever occurring in that Act shall be construed accordingly.
- 14 Except in any case in which the Council otherwise require, so much of section 7 of the said Act of 1843 as provides that the actual and responsible manager for the time being of a theatre in respect of which a licence is granted under that Act and two sureties shall become bound in penal sums for the purposes mentioned in that section shall not have effect as respects licences granted by the Council under that Act.
- 15 In relation to a licence under the said Act of 1843 falling to be granted by the Council, paragraph 9 of this Schedule shall have effect as if for the reference to paragraph 1 or 4 of this Schedule there were substituted a reference to the said Act of 1843, and section 9 of that Act shall not apply.
- 16 (1) If the licensee of a theatre licensed by the Council under the said Act of 1843 uses or allows it to be used in contravention of the provisions of that Act or of any term, condition or restriction upon or subject to which the licence is held, he shall be liable on summary conviction to a fine not exceeding fifty pounds.
- (2) Subject to paragraph 19 of this Schedule, on the conviction of such a licensee as aforesaid under the foregoing sub-paragraph, the Council may revoke the licence.

Provisional grant of licences

- 17 (1) Where application is made to the Council for the grant of a licence under the Theatres Act 1843, the Cinematograph Act 1909 or paragraph 1 or 4 of this Schedule in respect of premises which are to be, or are in the course of being, constructed, extended or altered and the Council are satisfied that the premises would, if completed in

accordance with plans deposited in accordance with the requirements of the Council, be such that the Council would grant the licence, the Council may grant the licence subject to a condition that it shall be of no effect until confirmed by the Council.

- (2) The Council shall confirm any licence granted by virtue of the foregoing sub-paragraph if and when they are satisfied that the premises have been completed in accordance with the plans aforesaid, or in accordance with those plans as modified with the approval of the Council, and that the licence is held by a fit and proper person.

Variation of licences

- 18 The holder of a licence in respect of any premises—
- (a) granted under paragraph 1 or 4 of this Schedule or,
 - (b) granted by the Council under the Theatres Act 1843 or the Cinematograph Act 1909.

may at any time apply to the Council for such variations of the terms, conditions or restrictions on or subject to which the licence is held as may be specified in the application ; and, subject to paragraph 19 of this Schedule, on any such application the Council may make such variations in any of those terms, conditions or restrictions, whether or not those specified in the application, as they think appropriate or may refuse the application.

Appeals

- 19 (1) Any of the following persons, that is to say—
- (a) an applicant for—
 - (i) the grant, renewal or transfer of a licence in respect of any premises under paragraph 1 or 4 of this Schedule ; or
 - (ii) the grant of a licence in respect of any premises by the Council under the Theatres Act 1843 ; or
 - (iii) the variation of the terms, conditions or restrictions on or subject to which any such licence as aforesaid is held,
 whose application is refused ;
 - (b) the holder of any such licence as aforesaid whose licence is revoked by the Council or who is aggrieved by any term, condition or restriction on or subject to which the licence is held,

may at any time before the expiration of the period of twenty-one days beginning with the date when he is notified of the refusal of his application or revocation of his licence, or when the term, condition or restriction becomes operative with respect to his licence, as the case may be, appeal to a magistrates' court acting for the petty sessions area in which the premises are situated ; and the court may make such order as it thinks fit and, subject to the next following sub-paragraph, that order shall be binding on the Council.

- (2) Any person aggrieved by the order of a magistrates' court on an appeal under the foregoing sub-paragraph may appeal therefrom to a court of quarter sessions.
- (3) Where any such licence as aforesaid is revoked under paragraph 10 (4) or 16 (2) of this Schedule or an application for the renewal of a licence under the said paragraph 1 or 4 is refused, the licence shall be deemed to remain in force—

- (a) during any period within which an appeal under this paragraph may be brought and, if such an appeal is brought within the relevant period, until the determination or abandonment of the appeal; and
 - (b) where such an appeal relating to such a refusal as aforesaid is successful and no further such appeal is available, until the licence is renewed by the Council.
- (4) In the case of an appeal in relation to an application of which, in accordance with paragraph 2 (1) or 5 (1) of this Schedule, notice was required to be given to a commissioner of police, notice of that appeal shall be given to that commissioner as well as to any other person to whom it is required to be given apart from this subparagraph.
- (5) Section 6 of the Cinematograph Act 1952 shall apply in relation to any person aggrieved—
- (a) by the refusal of an application in respect of a licence under the Cinematograph Act 1909 made under paragraph 18 of this Schedule; or
 - (b) by any term, condition or restriction substituted under that paragraph for any term, condition or restriction on or subject to which that licence was previously held,
- as it applies in relation to a person aggrieved as mentioned in subsection (1) of that section.

Interpretation

20 In this Schedule, the expression " premises " includes any place.