

SCHEDULES

SCHEDULE 2

Articles 7, 18, 29, 40, Schedule 1.

MEANING OF “SUBSISTING LICENCE”

1. Except in the circumstances mentioned in paragraph 2 or 3, a licence shall be treated as a subsisting licence only if the business authorised by the licence has been regularly carried on throughout, or for a substantial part of, the year immediately preceding the date of its surrender or, where the licence has not been in force for a year, the period from the date when it was granted to the date of its surrender.

2. Notwithstanding anything in paragraph 1, a licence shall be treated as a subsisting licence if—

(a) the premises specified in it—

(i) have, by reason of fire, tempest, or other unforeseen and unavoidable calamity, become incapable of being used for the business carried on in them under the licence; or

(ii) have ceased, or are likely to cease, by reason of the termination of a tenancy or an alteration in the terms of a tenancy (whether under a lease or otherwise), to be available for the business carried on in them under the licence; or

(iii) have been, or are likely to be, acquired or demolished, either wholly or to a substantial extent, under any statutory provision; or

(iv) have been, or are to be, extended to include other premises which are, or are to be constructed so as to be, contiguous to them; or

(v) are, or are to be, used for the purpose of the same business in conjunction with other additional premises which are or are to be constructed adjacent to them; or

(vi) have been, or are to be, wholly or substantially demolished and new premises have been or are to be constructed wholly or partly within their curtilage; and

(b) where sub-paragraph (a)(iv), (v) or (vi) applies, the business carried on under the licence has been interrupted for the purpose of enabling the extension, demolition or construction to be carried out; and

(c) the application for the new licence has been made within a reasonable period.

3. Notwithstanding anything in paragraph 1, a licence shall be treated as a subsisting licence if the business carried on under it has been interrupted by reason only of the suspension of the licence.