

## SCHEDULES

### SCHEDULE 9

Articles 43, 44, 48, 59, 85

#### APPLICATIONS UNDER ARTICLE 43, 44, 48 OR 59

1. In this Schedule “application” means an application under Article 43, 44, 48 or 59.
2. A person who intends to make an application shall, not less than 3 weeks before the time of the court sitting at which the application is to be made, serve notice of the application upon the clerk of petty sessions and at the same time serve a copy of the notice upon—
  - (a) the sub-divisional commander of the police sub-division in which the premises to which the application relates are situated; and
  - (b) the district council for the district in which the premises to which the application relates are situated.
3. The notice mentioned in paragraph 2 shall specify the kind of premises to which the application relates and shall be in such form and shall contain such information as may be prescribed by magistrates' courts rules.
4. The sub-divisional commander mentioned in paragraph 2(a), the district council mentioned in paragraph 2(b) or any person owning or residing in premises in the vicinity of the premises to which the application relates may appear at the hearing of the application and object to the court making an order or, as the case may be, the grant of the certificate—
  - (a) in the case of an application under Article 43, on any ground mentioned in Article 43(2);
  - (b) in the case of an application under Article 44, on any ground mentioned in Article 44(1) and (3);
  - (c) in the case of an application under Article 48, on any ground mentioned in Article 48(2);
  - (d) in the case of an application under Article 59, on any ground mentioned in Article 59(2).
5. A person intending to object under paragraph 4 shall, not less than 1 week before the time of the court sitting at which the application is to be made,—
  - (a) serve upon the applicant notice of his intention to object, briefly stating his grounds for so doing; and
  - (b) serve a copy of the notice upon the clerk of petty sessions.
6. The court may consider the application notwithstanding that the procedure set out in this Schedule has not been complied with if, having regard to the circumstances, it is reasonable to do so.