



# London Local Authorities Act 2000

## 2000 CHAPTER vii

### PART IV

#### LICENSING

#### **22 Music and dancing, sports, boxing and wrestling licences**

- (1) Schedule 12 to the London Government Act 1963 is amended in accordance with the following subsections in its application to the area of a participating council and that schedule, as amended by this Act is set out in Schedule 1 to this Act.
- (2) In paragraph 1—
  - (a) in sub-paragraph (1) the words “Subject to sub-paragraph (6) of this paragraph” are left out;
  - (b) in sub-paragraph (2)—
    - (i) the words “any applicant therefor” are replaced by the words “an applicant”;
    - (ii) after the word “renew” the words “or transfer” are inserted;
  - (c) sub-paragraph (5) is left out;
  - (d) in sub-paragraph (6) the words “the Theatre Royal Drury Lane, the Royal Covent Garden Opera House, the Theatre Royal Haymarket or to” are left out.
- (3) In paragraph 3A—
  - (a) in sub-paragraph (4)—
    - (i) the words “any applicant” are replaced by the words “an applicant”;
    - (ii) after the word “renew” the words “or transfer” are inserted;
  - (b) sub-paragraph (7) is left out.
- (4) In paragraph 4—
  - (a) in sub-paragraph (3)—
    - (i) the words “any applicant therefor” are replaced by the words “an applicant”;
    - (ii) after the word “renew” the words “or transfer” are inserted; and

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- (b) sub-paragraph (6) is left out.
- (5) In paragraph 6A, at the beginning, the words “Subject to paragraph 6C of this Schedule,” are inserted.
- (6) In paragraph 6B, at the beginning, the words “Subject to paragraph 6C of this Schedule,” are inserted.
- (7) At the end of paragraph 6B, the following paragraphs are inserted:—
- “6C (1) The following provisions of this paragraph shall have effect as respects cases where, before the date of expiry of a licence granted under paragraph 1, 3A or 4 of this Schedule an application for renewal of the licence has been made (“a renewal case”) or an application for transfer of the licence has been made (“a transfer case”).
- (2) If the application is not determined before the prospective expiry date, the licence shall not be deemed to remain in force under paragraph 6A or 6B of this Schedule, as the case may be, after that date and the application shall be deemed to be withdrawn on that date, unless before then the applicant pays the council a continuation fee.
- (3) Where a continuation fee is paid in pursuance of sub-paragraph (2) of this paragraph in a renewal case, the applicant’s application for renewal shall be deemed to be an application for renewal for a period of twelve months starting on the day following the prospective expiry date.
- (4) Where a continuation fee is paid in pursuance of sub-paragraph (2) of this paragraph in a transfer case—
- (a) the applicant shall be deemed to have made an application for the renewal of the licence for a period of twelve months starting on the day following the prospective expiry date;
- (b) the Council shall determine the application for transfer and deemed application for renewal together; and
- (c) in the following provisions of this paragraph, references to “the application” in a transfer case are references to the application for transfer and the application for renewal.
- (5) If the application is not determined before the date of the expiry of the renewal period under sub-paragraph (3) or (4) of this paragraph, as the case may be, the licence shall not be deemed to remain in force under paragraph 6A or 6B of this Schedule, as the case may be, after that date, and the application shall be deemed to be withdrawn on that date, unless before then the applicant pays the council a further continuation fee.
- (6) Where a further continuation fee is paid in pursuance of sub-paragraph (5) of this paragraph, then—
- (a) in a renewal case, the applicant’s application for renewal shall be deemed to be an application for renewal for a period starting on the day following the date of the expiry of the renewal period under sub-paragraph (3) of this paragraph; and
- (b) in a transfer case, the applicant’s application so far as it is a deemed application for renewal shall be deemed to be an application for renewal for a period starting on the day

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following the date of the expiry of the renewal period under sub-paragraph (4) of this paragraph.

(7) A deemed application for renewal under paragraph (6) shall be for a period expiring—

- (a) where the application is withdrawn, on the date of withdrawal;
- (b) where the application is refused, on the date of the refusal;
- (c) where the application is granted, on one or other of the following:

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- (i) the date twelve months after the beginning of the period;  
or
- (ii) such other date as may be specified by the Council when allowing the application.

(8) In this paragraph—

“the prospective expiry date” means—

- (a) in a transfer case, the date on which the licence would have expired if the application for transfer had not been made; and
- (b) in a renewal case, the date of the expiry of the period in respect of which the application for renewal of the licence was made;

“a continuation fee” is a fee of the same amount as the fee payable in respect of an application for renewal of a licence.

6D Where an applicant for the transfer of a licence granted under paragraph 1, 3A or 4 of this Schedule is carrying on at the premises in respect of which the licence was granted the functions to which the licence relates, “any necessary modifications” where those words appear in paragraph 6B of this Schedule, means the substitution for the name of the licence holder of the name of the applicant for the transfer of the licence and any other necessary modifications.”.

(8) Paragraph 9 is left out and the following paragraph is inserted:—

“9 (1) The Council may make regulations prescribing standard conditions applicable to all, or any class of, licences which may be granted under paragraph 1, 3A or 4 of this Schedule.

(2) Where the Council have made regulations under this paragraph, every licence granted, renewed or transferred by them shall be deemed to have been so granted, renewed or transferred subject to any standard conditions except so far as they are expressly excluded or amended in any particular case.”.

(9) In paragraph (2) of paragraph 10 at the end of sub-paragraph (a) the following sub-paragraph is inserted:—

“(aa) any person is an applicant for the transfer of a licence granted under paragraph 1, 3A or 4 of this Schedule where he is carrying on at the premises in respect of which the licence was granted the functions to which the licence relates in respect of any premises which have been used in contravention of any term, condition or restriction on or subject to which the licence is held; or”.

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(10) In paragraph 17—

- (a) In sub-paragraph (1) the words “in accordance with plans deposited” are left out; and
- (b) In sub-paragraph (2)—
  - (i) the words “, on an application being made for the appropriate variation of the licence,” are inserted after the word “shall”;
  - (ii) the words “plans aforesaid” are replaced by the words “requirements aforesaid”; and
  - (iii) the words “plans as modified with the approval of the Council” are replaced with the words “requirements as modified by the Council”.

(11) In paragraph 19—

- (a) at the beginning of sub-paragraph (3) the words “Subject to paragraph 19AA of this Schedule” are inserted; and
- (b) at the end of sub-paragraph (4) the following sub-paragraph is added:—
  - “(5) Where any licence is renewed under paragraph 1, 3A or 4 of this Schedule and the Council specify any term, condition or restriction which was not previously specified in relation to that licence, the licence shall be deemed to be free of it until the time for bringing an appeal under this paragraph has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.”.

(12) Before paragraph 19A, the following paragraph is inserted:—

- “19AA(1) The following provisions of this paragraph shall have effect as respects cases where an appeal under paragraph 19 of this Schedule is brought, within the period for doing so, against the revocation of a licence (“a revocation case”) or against the refusal of an application for renewal of a licence (“a refusal case”).
- (2) If the appeal is not determined before the prospective expiry date, the licence shall not be deemed to remain in force under paragraph 19(3) of this Schedule after that date, and the appeal shall be deemed to be abandoned on that date, unless before then—
    - (a) in a revocation case, the appellant makes an application for the renewal of the licence for a period of twelve months starting on the day following the prospective expiry date;
    - (b) in a refusal case the appellant pays the council a continuation fee.
  - (3) Where a continuation fee is paid in pursuance of sub-paragraph (2)(b) of this paragraph, the appellant’s refused application for renewal shall be deemed to be an application for renewal for a period of twelve months starting on the day following the prospective expiry date.
  - (4) If the appeal is not determined before the date of the expiry of the renewal period under sub-paragraph (2)(a) or (3) of this paragraph, as the case may be, the licence shall not be deemed to remain in force under paragraph 19(3) of this Schedule after that date, and the appeal shall be deemed to be abandoned on that date, unless before then the appellant pays the council a continuation fee or, as the case may be, a further continuation fee.

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- (5) Where a continuation fee or a further continuation fee is paid in pursuance of sub-paragraph (4) of this paragraph, the appellant's application for renewal or, as the case may be, refused application for renewal shall be deemed to be an application for renewal for a period starting on the day following the date of the expiry of the renewal period under sub-paragraph (2)(a) or, as the case may be, sub-paragraph (3) of this paragraph.
- (6) A deemed application for renewal under sub-paragraph (5) shall be for a period expiring—
- (a) where the appeal is withdrawn, on the date of withdrawal;
  - (b) where the appeal is unsuccessful—
    - (i) if a further appeal is available but is not made within the period for doing so, on the date of the expiry of that period;
    - (ii) if no further appeal is available, on the date of the decision of the court;
  - (c) where the appeal is successful, on the day before the date of the next anniversary of the beginning of the period; provided that where the period, at the time of the decision of the court, has been running for more than twelve months, the court may specify an earlier date.
- (7) In this paragraph—
- “the prospective expiry date” means—
- (a) in a revocation case, the date on which the licence would have expired if it had not been revoked; and
  - (b) in a refusal case, the date of the expiry of the period in respect of which the refused application for renewal of the licence was made;
- “a continuation fee” is a fee of the same amount as the fee payable in respect of an application for renewal of a licence.”.

## **23 Private places of entertainment**

- (1) The Private Places of Entertainment (Licensing) Act 1967 applies to the area of a participating council in accordance with the following subsections.
- (2) In section 3—
- (a) in subsection (1) after the word “renew” the words “or transfer” are inserted; and
  - (b) subsection (3) is left out.
- (3) The following sections are inserted after section 3A:—

### **“3B Renewal and transfer of licence**

- (1) Subject to section 3C of this Act, where, before the date of expiry of a licence granted under this Act, an application has been made for the renewal of that licence, the licence shall be deemed to remain in force, notwithstanding that

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the date of expiry of the licence has passed, until the determination of the application by the licensing authority or the withdrawal of the application.

- (2) Subject to section 3C of this Act, where, before the date of expiry of a licence granted under this Act, an application has been made for the transfer of that licence, the licence shall be deemed to remain in force with any necessary modifications notwithstanding that the date of expiry of the licence has passed, until the determination of the application by the licensing authority or the withdrawal of the application.
- (3) Where an applicant for the transfer of a licence granted under this Act is carrying on at the premises in respect of which the licence was granted the functions to which the licence relates, “any necessary modifications” where those words appear in subsection (2) of this section, means the substitution for the name of the licence holder of the name of the applicant for the transfer of the licence and any other necessary modifications.

### **3C Renewal and transfer of licence: supplementary**

- (1) The following provisions of this section shall have effect as respects cases where, before the date of expiry of a licence granted under this Act, an application for renewal of the licence has been made (“a renewal case”) or an application for transfer of the licence has been made (“a transfer case”).
- (2) If the application is not determined before the prospective expiry date, the licence shall not be deemed to remain in force under section 3B(1) or section 3B(2) of this Act, after that date and the application shall be deemed to be withdrawn on that date, unless before then the applicant pays the council a continuation fee.
- (3) Where a continuation fee is paid in pursuance of subsection (2) of this section in a renewal case, the applicant’s application for renewal shall be deemed to be an application for renewal for a period of twelve months starting on the day following the prospective expiry date.
- (4) Where a continuation fee is paid in pursuance of subsection (2) of this section in a transfer case—
  - (a) the applicant shall be deemed to have made an application for the renewal of the licence for a period of twelve months starting on the day following the prospective expiry date;
  - (b) the Council shall determine the application for transfer and deemed application for renewal together; and
  - (c) in the following provisions of this section, references to “the application” in a transfer case are references to the application for transfer and the application for renewal.
- (5) If the application is not determined before the date of the expiry of the renewal period under subsection (3) or (4) of this section, as the case may be, the licence shall not be deemed to remain in force under section 3B(1) or 3B(2) of this section, as the case may be, after that date, and the application shall be deemed to be withdrawn on that date, unless before then the applicant pays the council a further continuation fee.

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- (6) Where a further continuation fee is paid in pursuance of subsection (5) of this section, then—
- (a) in a renewal case, the applicant’s application for renewal shall be deemed to be an application for renewal for a period starting on the day following the date of the expiry of the renewal period under subsection (3) of this section; and
  - (b) in a transfer case, the applicant’s application so far as it is a deemed application for renewal shall be deemed to be an application for renewal for a period starting on the day following the date of the expiry of the renewal period under subsection (4) of this section.
- (7) A deemed application for renewal under subsection (6) shall be for a period expiring—
- (a) where the application is withdrawn, on the date of withdrawal;
  - (b) where the application is refused, on the date of the refusal;
  - (c) where the application is granted, on one or other of the following:—
    - (i) the date twelve months after the beginning of the period; or
    - (ii) such other date as may be specified by the Council when allowing the application.
- (8) In this section—
- “the prospective expiry date” means—
- (a) in a transfer case, the date on which the licence would have expired if the application for transfer had not been made; and
  - (b) in a renewal case, the date of the expiry of the period in respect of which the application for renewal of the licence was made;
- “a continuation fee” is a fee of the same amount as the fee payable in respect of an application for renewal of a licence.

### **3D Provisional grants of licences**

- (1) Where application is made to the licensing authority for the grant of a licence under this Act in respect of premises which are to be, or are in the course of being, constructed, extended or altered and the licensing authority are satisfied that the premises would, if completed in accordance with the requirements of the licensing authority, be such that the licensing authority would grant the licence, the licensing authority may grant the licence subject to a condition that it shall be of no effect until confirmed by the licensing authority.
- (2) The licensing authority shall, on application being made for the appropriate variation of the licence, confirm any licence granted by virtue of the foregoing subsection if and when they are satisfied that the premises have been completed in accordance with the requirements aforesaid, or in accordance with those requirements as modified by the licensing authority, and that the licence is held by a fit and proper person.

### **3E Power to prescribe standard terms, conditions and restrictions**

- (1) The licensing authority may make regulations prescribing standard conditions applicable to all, or any class of licences which may be granted under this Act.

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- (2) Where the licensing authority have made regulations under this section, every licence granted, renewed or transferred by them shall be deemed to have been so granted, renewed or transferred subject to any standard conditions applicable to it except so far as they are expressly excluded or amended in any particular case.”.
- (4) In subsection (2) of section 4—
- (a) “(i)” is inserted after “(a)”; and
- (b) the word “and” where it appears at the end of paragraph (a) is replaced by the words—
- “; or
- (ii) an applicant for the transfer of the licence where he is carrying on the functions to which the licence relates; and”.
- (5) In section 5, at the beginning of subsection (5) the words “Subject to section 5B below” are inserted.
- (6) After section 5A, the following section is inserted:—

**“5B Appeals: supplementary provisions**

- (1) The following provisions of this section shall have effect as respects cases where an appeal under section 5 of this Act is brought, within the period for doing so, against the revocation of a licence (“a revocation case”) or against the refusal of an application for renewal of a licence (“a refusal case”).
- (2) If the appeal is not determined before the prospective expiry date, the licence shall not be deemed to remain in force under section 5(5) of this Act after that date, and the appeal shall be deemed to be abandoned on that date, unless before then—
- (a) in a revocation case, the appellant makes an application for the renewal of the licence for a period of twelve months starting on the day following the prospective expiry date;
- (b) in a refusal case the appellant pays the council a continuation fee.
- (3) Where a continuation fee is paid in pursuance of subsection (2)(b) of this section, the appellant’s refused application for renewal shall be deemed to be an application for renewal for a period of twelve months starting on the day following the prospective expiry date.
- (4) If the appeal is not determined before the date of the expiry of the renewal period under subsection (2)(a) or (3) of this section, as the case may be, the licence shall not be deemed to remain in force under section 5(5) of this Act after that date, and the appeal shall be deemed to be abandoned on that date, unless before then the appellant pays the council a continuation fee or, as the case may be, a further continuation fee.
- (5) Where a continuation fee or a further continuation fee is paid in pursuance of subsection (4) above, the appellant’s application for renewal or, as the case may be, refused application for renewal shall be deemed to be an application for renewal for a period starting on the day following the date of the expiry

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of the renewal period under subsection (2)(a) above or, as the case may be, subsection (3) above.

- (6) A deemed application for renewal under subsection (5) shall be for a period expiring—
- (a) where the appeal is withdrawn, on the date of withdrawal;
  - (b) where the appeal is unsuccessful—
    - (i) if a further appeal is available but is not made within the period for doing so, on the date of the expiry of that period;
    - (ii) if no further appeal is available, on the date of the decision of the court;
  - (c) where the appeal is successful, on the day before the date of the next anniversary of the beginning of the period; provided that where the period, at the time of the decision of the court, has been running for more than twelve months, the court may specify an earlier date.
- (7) In this section—
- “the prospective expiry date” means—
- (a) in a revocation case, the date on which the licence would have expired if it had not been revoked; and
  - (b) in a refusal case, the date of the expiry of the period in respect of which the refused application for renewal of the licence was made;
- “a continuation fee” is a fee of the same amount as the fee payable in respect of an application for renewal of a licence.”

## 24 Theatres

- (1) The Theatres Act 1968 applies to the area of a participating council in accordance with the following subsections.
- (2) In subsection (2) of section 13—
- (a) “(i)” is inserted after “(a)”; and
  - (b) the word “and” where it appears at the end of paragraph (a) is replaced by the words—
    - “; or
    - (ii) an applicant for the transfer of the licence where he is carrying on the functions to which the licence relates; and”.
- (3) In section 14 at the beginning of subsection (3) the words “Subject to section 14A below” are inserted.
- (4) After section 14, the following section is inserted:—

### “14A Appeals: supplementary provisions

- (1) The following provisions of this section shall have effect as respects cases where an appeal under section 14 of this Act is brought, within the period for doing so, against the revocation of a licence (“a revocation case”) or against the refusal of an application for renewal of a licence (“a refusal case”).

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- (2) If the appeal is not determined before the prospective expiry date, the licence shall not be deemed to remain in force under section 14(3) of this Act after that date, and the appeal shall be deemed to be abandoned on that date, unless before then—
- (a) in a revocation case, the appellant makes an application for the renewal of the licence for a period of twelve months starting on the day following the prospective expiry date;
  - (b) in a refusal case the appellant pays the council a continuation fee.
- (3) Where a continuation fee is paid in pursuance of subsection (2)(b) above, the appellant's refused application for renewal shall be deemed to be an application for renewal for a period of twelve months starting on the day following the prospective expiry date.
- (4) If the appeal is not determined before the date of the expiry of the renewal period under subsection (2)(a) or (3) above, as the case may be, the licence shall not be deemed to remain in force under section 14(3) of this Act after that date, and the appeal shall be deemed to be abandoned on that date, unless before then the appellant pays the council a continuation fee or, as the case may be, a further continuation fee.
- (5) Where a continuation fee or a further continuation fee is paid in pursuance of subsection (4) above, the appellant's application for renewal or, as the case may be, refused application for renewal shall be deemed to be an application for renewal for a period starting on the day following the date of the expiry of the renewal period under subsection (2)(a) above or, as the case may be, subsection (3) above.
- (6) A deemed application for renewal under subsection (5) shall be for a period expiring—
- (a) where the appeal is withdrawn, on the date of withdrawal;
  - (b) where the appeal is unsuccessful—
    - (i) if a further appeal is available but is not made within the period for doing so, on the date of the expiry of that period;
    - (ii) if no further appeal is available, on the date of the decision of the court;
  - (c) where the appeal is successful, on the day before the date of the next anniversary of the beginning of the period; provided that where the period, at the time of the decision of the court, has been running for more than twelve months, the court may specify an earlier date.
- (7) In this section—
- “the prospective expiry date” means—
- (a) in a revocation case, the date on which the licence would have expired if it had not been revoked; and
  - (b) in a refusal case, the date of the expiry of the period in respect of which the refused application for renewal of the licence was made;
- “a continuation fee” is a fee of the same amount as the fee payable in respect of an application for renewal of a licence.”.

(5) In Schedule 1—

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- (a) in sub-paragraph 1(1), after the word “renew” the words “or transfer” are inserted;
- (b) sub-paragraph 1(4) is left out;
- (c) in paragraph 6—
  - (i) in sub-paragraph (1) the words “in accordance with plans deposited” are left out; and
  - (ii) in sub-paragraph (2)—
    - (aa) the words “, on application being made for the appropriate variation of the licence,” are inserted after the word “shall”;
    - (bb) the words “plans aforesaid” are replaced by the words “requirements aforesaid”; and
    - (cc) the words “plans as modified with the approval of the authority” are replaced by the words “requirements as modified by the authority”.
- (d) at the end of paragraph 7, the following paragraphs are inserted:—

*“Further provisions relating to renewal and transfer of licences*

- 7A (1) Subject to paragraph 7B below, where, before the date of expiry of a licence granted under this Act, an application has been made for the renewal of that licence, the licence shall be deemed to remain in force, notwithstanding that the date of expiry of the licence has passed, until the determination of the application by the licensing authority or the withdrawal of the application.
- (2) Subject to paragraph 7B below, where, before the date of expiry of a licence granted under this Act, an application has been made for the transfer of that licence, the licence shall be deemed to remain in force (with any necessary modifications) notwithstanding that the date of expiry of the licence has passed until the determination of the application by the licensing authority or the withdrawal of the application.
- (3) Where an applicant for the transfer of a licence granted under this Act is carrying on at the premises in respect of which the licence was granted the functions to which the licence relates, “any necessary modifications” where those words appear in sub-paragraph (2) above, means the substitution for the name of the licence holder of the name of the applicant for the transfer of the licence and any other necessary modifications.
- 7B (1) The following provisions of this paragraph shall have effect as respects cases where, before the date of expiry of a licence granted under this Act, an application for renewal of the licence has been made (“a renewal case”) or an application for transfer of the licence has been made (“a transfer case”).
- (2) If the application is not determined before the prospective expiry date, the licence shall not be deemed to remain in force under paragraph 7A(1) or paragraph 7A(2) of this Schedule, after that date and the application shall be deemed to be withdrawn on that date, unless before then the applicant pays the council a continuation fee.

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- (3) Where a continuation fee is paid in pursuance of sub-paragraph (2) of this paragraph in a renewal case, the applicant's application for renewal shall be deemed to be an application for renewal for a period of twelve months starting on the day following the prospective expiry date.
- (4) Where a continuation fee is paid in pursuance of sub-paragraph (2) of this paragraph in a transfer case—
  - (a) the applicant shall be deemed to have made an application for the renewal of the licence for a period of twelve months starting on the day following the prospective expiry date;
  - (b) the Council shall determine the application for transfer and deemed application for renewal together; and
  - (c) in the following provisions of this paragraph, references to “the application” in a transfer case are references to the application for transfer and the application for renewal.
- (5) If the application is not determined before the date of the expiry of the renewal period under sub-paragraph (3) or (4) of this paragraph, as the case may be, the licence shall not be deemed to remain in force under paragraph 7A(1) or 7A(2) of this Schedule, as the case may be, after that date and the application shall be deemed to be withdrawn on that date, unless before then the applicant pays the council a further continuation fee.
- (6) Where a further continuation fee is paid in pursuance of sub-paragraph (5) of this paragraph, then—
  - (a) in a renewal case, the applicant's application for renewal shall be deemed to be an application for renewal for a period starting on the day following the date of the expiry of the renewal period under sub-paragraph (3) of this paragraph; and
  - (b) in a transfer case, the applicant's application so far as it is a deemed application for renewal shall be deemed to be an application for renewal for a period starting on the day following the date of the expiry of the renewal period under sub-paragraph (4) of this paragraph.
- (7) A deemed application for renewal under paragraph (6) shall be for a period expiring—
  - (a) where the application is withdrawn, on the date of withdrawal;
  - (b) where the application is refused, on the date of the refusal;
  - (c) where the application is granted, on one or other of the following:—
    - (i) the date twelve months after the beginning of the period; or
    - (ii) such other date as may be specified by the Council when allowing the application.

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- (8) In this paragraph—
- “the prospective expiry date” means—
- (a) in a transfer case, the date on which the licence would have expired if the application for transfer had not been made; and
  - (b) in a renewal case, the date of the expiry of the period in respect of which the application for renewal of the licence was made;
- “a continuation fee” is a fee of the same amount as the fee payable in respect of an application for renewal of a licence.

*Power to prescribe standard terms, conditions and restrictions*

- 7C (1) The licensing authority may make regulations prescribing standard conditions applicable to all, or any class of, licences which may be granted under this Act.
- (2) Where the licensing authority have made regulations under this paragraph, every licence granted, renewed or transferred by them shall be deemed to have been so granted, renewed or transferred subject to any standard conditions except so far as they are excluded or amended in any particular case.”.

## 25 Cinemas

- (1) The Cinemas Act 1985 applies in the area of a participating council in accordance with the following subsections.
- (2) In section 1(2), the words “grant a licence under this section to such a person as they think fit” are replaced by the words “grant to an applicant and from time to time renew or transfer a licence” and the words “they may determine” are replaced by the words “they may so specify”.
- (3) Subsection 3(5) is left out.
- (4) Subsection 3(6) is replaced by the following subsections:—
- “(6) Subject to section 3A below, where, before the date of expiry of a licence, an application has been made for the renewal of that licence, the licence shall be deemed to remain in force, notwithstanding that the date of expiry of the licence has passed, until the determination of the application by the licensing authority or the withdrawal of the application.
  - (6A) Subject to section 3A below, where, before the date of expiry of a licence, an application has been made for the transfer of that licence, the licence shall be deemed to remain in force (with any necessary modifications) notwithstanding that the date of expiry of the licence has passed, until the determination of the application by the licensing authority or the withdrawal of the application.
  - (6B) Where an applicant for the transfer of a licence is carrying on at the premises in respect of which the licence was granted the functions to which the licence relates, “any necessary modifications” where those words appear in subsection (6A) above, means the substitution of the name of the licence

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holder by the name of the applicant for the transfer of the licence and any other necessary modifications.

- (6C) Subject to section 4 below, the licensing authority may make regulations prescribing standard conditions applicable to all, or any class of, licences which may be granted by them.
- (6D) Where the licensing authority have made regulations under subsection (6C) above, every licence granted, renewed or transferred by them shall be deemed to have been so granted, renewed or transferred subject to any standard conditions except so far as they are expressly excluded or amended in any particular case.
- (6E) Where application is made to the licensing authority for the grant of a licence in respect of premises which are to be, or are in the course of being constructed, extended or altered and the licensing authority are satisfied that the premises would, if completed in accordance with the requirements of the licensing authority be such that they would grant the licence, the licensing authority may grant the licence subject to a condition that it shall be of no effect until confirmed by them.
- (6F) The licensing authority shall on application being made for the appropriate variation of the licence confirm any licence granted by virtue of subsection (6E) above if and when they are satisfied that the premises have been completed in accordance with the requirements aforesaid or in accordance with those requirements as modified by the licensing authority and that the licence is held by a fit and proper person.”

(5) After section 3, the following section is inserted:—

**“3A Renewal and transfer of licence: supplementary**

- (1) The following provisions of this section shall have effect as respects cases where, before the date of expiry of a licence an application for renewal of the licence has been made (“a renewal case”) or an application for transfer of the licence has been made (“a transfer case”).
- (2) If the application is not determined before the prospective expiry date, the licence shall not be deemed to remain in force under section 3(6) or section 3(6A) above in a transfer case, after that date and the application shall be deemed to be withdrawn on that date, unless before then the applicant pays the council a continuation fee.
- (3) Where a continuation fee is paid in pursuance of subsection (2) above in a renewal case, the applicant’s application for renewal shall be deemed to be an application for renewal for a period of twelve months starting on the day following the prospective expiry date.
- (4) Where a continuation fee is paid in pursuance of subsection (2) of this section in a transfer case—
- (a) the applicant shall be deemed to have made an application for the renewal of the licence for a period of twelve months starting on the day following the prospective expiry date;
  - (b) the Council shall determine the application for transfer and deemed application for renewal together; and

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- (c) in the following provisions of this section, references to “the application” in a transfer case are references to the application for transfer and the application for renewal.
- (5) If the application is not determined before the date of the expiry of the renewal period under subsection (3) or (4) above, as the case may be, the licence shall not be deemed to remain in force under section 3(6) or (6A) above, as the case may be, after that date, and the application shall be deemed to be withdrawn on that date, unless before then the applicant pays the council a further continuation fee.
- (6) Where a further continuation fee is paid in pursuance of subsection (5) of this section, then—
- (a) in a renewal case, the applicant’s application for renewal shall be deemed to be an application for renewal for a period starting on the day following the date of the expiry of the renewal period under subsection (3) of this section; and
  - (b) in a transfer case, the applicant’s application so far as it is a deemed application for renewal shall be deemed to be an application for renewal for a period starting on the day following the date of the expiry of the renewal period under subsection (4) of this section.
- (7) A deemed application for renewal under subsection (6) shall be for a period expiring—
- (a) where the application is withdrawn, on the date of withdrawal;
  - (b) where the application is refused, on the date of the refusal;
  - (c) where the application is granted, on one or other of the following:—
    - (i) the date twelve months after the beginning of the period; or
    - (ii) such other date as may be specified by the Council when allowing the application.
- (8) In this section—
- “the prospective expiry date” means—
    - (a) in a transfer case, the date on which the licence would have expired if the application for transfer had not been made; and
    - (b) in a renewal case, the date of the expiry of the period in respect of which the application for renewal of the licence was made;
  - “a continuation fee” is a fee of the same amount as the fee payable in respect of an application for renewal of a licence.”.
- (6) In subsection (2) of section 10 after paragraph (c) the following paragraph is inserted:
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- “(cc) an applicant for the transfer of a licence where he is carrying out the functions to which the licence relates;”.
- (7) In section 16 at the beginning of subsections (4) and (5) the words “Subject to section 16A below” are inserted.
- (8) After the said section 16, the following section is inserted:—

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### **“16A Appeals: supplementary provisions**

- (1) The following provisions of this section shall have effect as respects cases where an appeal under section 16 above is brought, within the period for doing so, against the revocation of a licence (“a revocation case”) or against the refusal of an application for renewal of a licence (“a refusal case”).
- (2) If the appeal is not determined before the prospective expiry date, the licence shall not be deemed to remain in force under section 16(4) or (5) above after that date, and the appeal shall be deemed to be abandoned on that date, unless before then—
  - (a) in a revocation case, the appellant makes an application for the renewal of the licence for a period of twelve months starting on the day following the prospective expiry date;
  - (b) in a refusal case the appellant pays the council a continuation fee.
- (3) Where a continuation fee is paid in pursuance of subsection (2)(b) above, the appellant’s refused application for renewal shall be deemed to be an application for renewal for a period of twelve months starting on the day following the prospective expiry date.
- (4) If the appeal is not determined before the date of the expiry of the renewal period under subsection (2)(a) or (3) above, as the case may be, the licence shall not be deemed to remain in force under section 16(4) or (5) of this Act after that date, and the appeal shall be deemed to be abandoned on that date, unless before then the appellant pays the council a continuation fee or, as the case may be, a further continuation fee.
- (5) Where a continuation fee or a further continuation fee is paid in pursuance of subsection (4) above, the appellant’s application for renewal or, as the case may be, refused application for renewal shall be deemed to be an application for renewal for a period starting on the day following the date of the expiry of the renewal period under subsection (2)(a) above or, as the case may be, subsection (3) above.
- (6) A deemed application for renewal under subsection (5) shall be for a period expiring—
  - (a) where the appeal is withdrawn, on the date of withdrawal;
  - (b) where the appeal is unsuccessful—
    - (i) if a further appeal is available but is not made within the period for doing so, on the date of the expiry of that period;
    - (ii) if no further appeal is available, on the date of the decision of the court;
  - (c) where the appeal is successful, on the day before the date of the next anniversary of the beginning of the period; provided that where the period, at the time of the decision of the court, has been running for more than twelve months, the court may specify an earlier date.
- (7) In this section—
 

“the prospective expiry date”ns—

  - (a) in a revocation case, the date on which the licence would have expired if it had not been revoked; and

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(b) in a refusal case, the date of the expiry of the period in respect of which the refused application for renewal of the licence was made;

“a continuation fee” is a fee of the same amount as the fee payable in respect of an application for renewal of a licence.”.

## 26 Night cafés

(1) Part II of the London Local Authorities Act 1990 (Night Café Licensing) applies in the area of a participating council in accordance with the following subsections.

(2) In section 7 (Applications)—

(a) in subsection (7)—

(i) at the beginning, the words “Subject to section 7A (Renewal and transfer of licence: supplementary) of this Act,” are inserted;

(ii) the words “or transfer” and the words “or as the case may require, to have effect with any necessary modifications” are left out;

(b) at the end the following subsections are inserted:—

“(8) Subject to section 7A (Renewal and transfer of licence: supplementary) of this Act, where, before the date of expiry of a night café licence, an application has been made for the transfer of that licence, the licence shall be deemed to remain in force (with any necessary modifications) notwithstanding that the date of expiry of the licence has passed, until the determination of the application by the council or the withdrawal of the application.

(9) Where an applicant for the transfer of a night café licence is carrying on the functions to which the licence relates, “any necessary modifications” where those words appear in subsection (8) above, means the substitution for the name of the licence holder by the name of the applicant for the transfer of the licence and any other necessary modifications.”.

(3) After the said section 7, the following section is inserted:—

### “7A Renewal and transfer of licence: supplementary

(1) The following provisions of this section shall have effect as respects cases where, before the date of expiry of a licence an application for renewal of the licence has been made (“a renewal case”) or an application for transfer of the licence has been made (“a transfer case”).

(2) If the application is not determined before the prospective expiry date, the licence shall not be deemed to remain in force under subsection (7) or (8) of section 7 (Applications) of this Act, after that date and the application shall be deemed to be withdrawn on that date, unless before then the applicant pays the council a continuation fee.

(3) Where a continuation fee is paid in pursuance of subsection (2) above in a renewal case, the applicant’s application for renewal shall be deemed to be an application for renewal for a period of twelve months starting on the day following the prospective expiry date.

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- (4) Where a continuation fee is paid in pursuance of subsection (2) above in a transfer case—
- (a) the applicant shall be deemed to have made an application for the renewal of the licence for a period of twelve months starting on the day following the prospective expiry date;
  - (b) the Council shall determine the application for transfer and deemed application for renewal together; and
  - (c) in the following provisions of this section, references to “the application” in a transfer case are references to the application for transfer and the application for renewal.
- (5) If the application is not determined before the date of the expiry of the renewal period under subsection (3) or (4) above, as the case may be, the licence shall not be deemed to remain in force under subsection (7) or (8) of the said section 7, as the case may be, after that date, and the application shall be deemed to be withdrawn on that date, unless before then the applicant pays the council a further continuation fee.
- (6) Where a further continuation fee is paid in pursuance of subsection (5) above, then—
- (a) in a renewal case, the applicant’s application for renewal shall be deemed to be an application for renewal for a period starting on the day following the date of the expiry of the renewal period under subsection (3) above; and
  - (b) in a transfer case, the applicant’s application so far as it is a deemed application for renewal shall be deemed to be an application for renewal for a period starting on the day following the date of the expiry of the renewal period under subsection (4) above.
- (7) A deemed application for renewal under subsection (6) above shall be for a period expiring—
- (a) where the application is withdrawn, on the date of withdrawal;
  - (b) where the application is refused, on the date of the refusal;
  - (c) where the application is granted, on one or other of the following:—
    - (i) the date twelve months after the beginning of the period; or
    - (ii) such other date as may be specified by the Council when allowing the application.
- (8) In this section—
- “the prospective expiry date” means—
- (a) in a transfer case, the date on which the licence would have expired if the application for transfer had not been made; and
  - (b) in a renewal case, the date of the expiry of the period in respect of which the application for renewal of the licence was made;
- “a continuation fee” is a fee of the same amount as the fee payable in respect of an application for renewal of a licence.”.
- (4) In section 11 (Provisional grant of night café licences)—
- (a) in subsection (1) the words “in accordance with plans deposited” are left out; and
  - (b) in subsection (2)—

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- (i) the words “plans referred to in the said subsection (1)” are replaced by the words “requirements aforesaid”; and
  - (ii) the words “plans as modified with the approval of the council” are replaced with the words “requirements as modified by the council”.
- (5) In section 14 (Appeals) at the beginning of subsection (5) the words “Subject to section 14A below” are inserted.
- (6) After section 14, the following section is inserted:—

**“14A Appeals: supplementary provisions**

- (1) The following provisions of this section shall have effect as respects cases where an appeal under section 14 (Appeals) of this Act is brought, within the period for doing so, against the revocation of a licence (“a revocation case”) or against the refusal of an application for renewal of a licence (“a refusal case”).
- (2) If the appeal is not determined before the prospective expiry date, the licence shall not be deemed to remain in force under subsection (5) of the said section 14 after that date, and the appeal shall be deemed to be abandoned on that date, unless before then—
  - (a) in a revocation case, the appellant makes an application for the renewal of the licence for a period of twelve months starting on the day following the prospective expiry date;
  - (b) in a refusal case the appellant pays the council a continuation fee.
- (3) Where a continuation fee is paid in pursuance of subsection (2)(b) above, the appellant’s refused application for renewal shall be deemed to be an application for renewal for a period of twelve months starting on the day following the prospective expiry date.
- (4) If the appeal is not determined before the date of the expiry of the renewal period under subsection (2)(a) or (3) above, as the case may be, the licence shall not be deemed to remain in force under the said section 14 after that date, and the appeal shall be deemed to be abandoned on that date, unless before then the appellant pays the council a continuation fee or, as the case may be, a further continuation fee.
- (5) Where a continuation fee or a further continuation fee is paid in pursuance of subsection (4) above, the appellant’s application for renewal or, as the case may be, refused application for renewal shall be deemed to be an application for renewal for a period starting on the day following the date of the expiry of the renewal period under subsection (2)(a) above or, as the case may be, subsection (3) above.
- (6) A deemed application for renewal under subsection (5) shall be for a period expiring—
  - (a) where the appeal is withdrawn, on the date of withdrawal;
  - (b) where the appeal is unsuccessful—
    - (i) if a further appeal is available but is not made within the period for doing so, on the date of the expiry of that period;
    - (ii) if no further appeal is available, on the date of the decision of the court;

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- (c) where the appeal is successful, on the day before the date of the next anniversary of the beginning of the period; provided that where the period, at the time of the decision of the court, has been running for more than twelve months, the court may specify an earlier date.

(7) In this section—

“the prospective expiry date” means—

- (a) in a revocation case, the date on which the licence would have expired if it had not been revoked; and  
 (b) in a refusal case, the date of the expiry of the period in respect of which the refused application for renewal of the licence was made;

“a continuation fee” is a fee of the same amount as the fee payable in respect of an application for renewal of a licence.”

- (7) In subsection (2) of section 15 (Enforcement) after the words “holder of the licence” the words “, an applicant for the transfer of a licence where he is carrying out the functions to which the licence relates;” are inserted.

## 27 Special treatment premises

- (1) Part II (Special Treatment Premises) of the London Local Authorities Act 1991 applies in the area of a participating council other than the City in accordance with the following subsections.

(2) In section 4 (Interpretation of Part II)—

- (a) the exception from the definition of “establishment for special treatment” provided in paragraph (b)(ii) of the definition shall not apply to any premises in which the member of the body of health practitioners concerned also carries out, or supervises the carrying out of, therapy not requiring any qualifications as are mentioned in paragraph (b)(ii)(B) of the definition unless by reason of the carrying out, or supervision of the carrying out, of such therapy the premises would on other grounds fall outside the definition of establishment for special treatment;
- (b) in paragraph (b), at the end of sub-paragraph (iii), the following sub-paragraphs are inserted:—

“(iv) in the case of osteopathy, a person registered as a fully registered osteopath or a conditionally registered osteopath under the Osteopaths Act 1993;

(v) in the case of chiropractic, a person registered as a fully registered chiropractor or a conditionally registered chiropractor under the Chiropractors Act 1994;”;

- (c) at the end of the said definition, the following paragraph is inserted:—

“(f) any premises where the only special treatment carried out is of a class which from time to time is by resolution of the borough council excluded from the operation of this Part of this Act;”;

- (d) after the definition of “establishment for special treatment” the following definition is inserted:—

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““health practitioner” means a person who uses his skills with a view to the curing or alleviating of bodily diseases or ailments but does not include a person whose skills are employed mainly for cosmetic alteration or decorative purposes;”.

(3) In section 7 (Applications under Part II)—

(a) in subsection (7)—

(i) at the beginning the words “Subject to section 7A (Renewal and transfer of licence: supplementary) of this Act,” are inserted;

(ii) the words “or transfer” and the words “or, as the case may require, to have effect with any necessary modifications” are left out;

(b) at the end the following subsections are inserted:—

“(8) Subject to section 7A (Renewal and transfer of licence: supplementary) of this Act, where, before the date of expiry of a licence, an application has been made for the transfer of that licence, the licence shall be deemed to remain in force (with any necessary modifications) notwithstanding that the date of expiry of the licence has passed.

(9) Where an applicant for the transfer of a licence is carrying on the functions to which the licence relates, “any necessary modifications” where those words appear in subsection (8) above, means the substitution for the name of the licence holder of the name of the applicant for the transfer of the licence and any other necessary modifications.”.

(4) After the said section 7, the following section is inserted:—

**“7A Renewal and transfer of licence: supplementary**

(1) The following provisions of this section shall have effect as respects cases where, before the date of expiry of a licence an application for renewal of the licence has been made (“a renewal case”) or an application for transfer of the licence has been made (“a transfer case”).

(2) If the application is not determined before the prospective expiry date, the licence shall not be deemed to remain in force under subsection (7) or (8) of section 7 (Applications) of this Act, after that date and the application shall be deemed to be withdrawn on that date, unless before then the applicant pays the council a continuation fee.

(3) Where a continuation fee is paid in pursuance of subsection (2) above in a renewal case, the applicant’s application for renewal shall be deemed to be an application for renewal for a period of twelve months starting on the day following the prospective expiry date.

(4) Where a continuation fee is paid in pursuance of subsection (2) above in a transfer case—

(a) the applicant shall be deemed to have made an application for the renewal of the licence for a period of twelve months starting on the day following the prospective expiry date;

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- (b) the Council shall determine the application for transfer and deemed application for renewal together; and
  - (c) in the following provisions of this section, references to “the application” in a transfer case are references to the application for transfer and the application for renewal.
- (5) If the application is not determined before the date of the expiry of the renewal period under subsection (3) or (4) above, as the case may be, the licence shall not be deemed to remain in force under subsection (7) or (8) of the said section 7, as the case may be, after that date, and the application shall be deemed to be withdrawn on that date, unless before then the applicant pays the council a further continuation fee.
- (6) Where a further continuation fee is paid in pursuance of subsection (5) above, then—
- (a) in a renewal case, the applicant’s application for renewal shall be deemed to be an application for renewal for a period starting on the day following the date of the expiry of the renewal period under subsection (3) above; and
  - (b) in a transfer case, the applicant’s application so far as it is a deemed application for renewal shall be deemed to be an application for renewal for a period starting on the day following the date of the expiry of the renewal period under subsection (4) above.
- (7) A deemed application for renewal under subsection (6) shall be for a period expiring—
- (a) where the application is withdrawn, on the date of withdrawal;
  - (b) where the application is refused, on the date of the refusal;
  - (c) where the application is granted, on one or other of the following:—
    - (i) the date twelve months after the beginning of the period; or
    - (ii) such other date as may be specified by the Council when allowing the application.
- (8) In this section—
- “the prospective expiry date” means—
    - (a) in a transfer case, the date on which the licence would have expired if the application for transfer had not been made; and
    - (b) in a renewal case, the date of the expiry of the period in respect of which the application for renewal of the licence was made;
  - “a continuation fee” is a fee of the same amount as the fee payable in respect of an application for renewal of a licence.”.
- (5) In section 13 (Part II appeals) at the beginning of subsection (5) the words “Subject to section 13A below” are inserted.
- (6) After the said section 13, the following section is inserted:—

**“13A Appeals: supplementary provisions**

- (1) The following provisions of this section shall have effect as respects cases where an appeal under section 13 (Part II appeals) of this Act is brought, within the period for doing so, against the revocation of a licence (“a

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revocation case”) or against the refusal of an application for renewal of a licence (“a refusal case”).

- (2) If the appeal is not determined before the prospective expiry date, the licence shall not be deemed to remain in force under subsection (5) of the said section 13 after that date, and the appeal shall be deemed to be abandoned on that date, unless before then—
  - (a) in a revocation case, the appellant makes an application for the renewal of the licence for a period of twelve months starting on the day following the prospective expiry date;
  - (b) in a refusal case the appellant pays the council a continuation fee.
- (3) Where a continuation fee is paid in pursuance of subsection (2)(b) above, the appellant’s refused application for renewal shall be deemed to be an application for renewal for a period of twelve months starting on the day following the prospective expiry date.
- (4) If the appeal is not determined before the date of the expiry of the renewal period under subsection (2)(a) or (3) above, as the case may be, the licence shall not be deemed to remain in force under subsection (5) of the said section 13 after that date, and the appeal shall be deemed to be abandoned on that date, unless before then the appellant pays the council a continuation fee or, as the case may be, a further continuation fee.
- (5) Where a continuation fee or a further continuation fee is paid in pursuance of subsection (4) above, the appellant’s application for renewal or, as the case may be, refused application for renewal shall be deemed to be an application for renewal for a period starting on the day following the date of the expiry of the renewal period under subsection (2)(a) above or, as the case may be, subsection (3) above.
- (6) A deemed application for renewal under subsection (5) shall be for a period expiring—
  - (a) where the appeal is withdrawn, on the date of withdrawal;
  - (b) where the appeal is unsuccessful—
    - (i) if a further appeal is available, but is not made within the period for doing so, on the date of the expiry of that period;
    - (ii) if no further appeal is available, on the date of the decision of the court;
  - (c) where the appeal is successful, on the day before the date of the next anniversary of the beginning of the period; provided that where the period, at the time of the decision of the court, has been running for more than twelve months, the court may specify an earlier date.
- (7) In this section—

“the prospective expiry date” means—

  - (a) in a revocation case, the date on which the licence would have expired if it had not been revoked; and
  - (b) in a refusal case, the date of the expiry of the period in respect of which the refused application for renewal of the licence was made;

“a continuation fee” is a fee of the same amount as the fee payable in respect of an application for renewal of a licence.”

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- (7) In subsection (2) of section 14 (Enforcement of Part II) after the words “holder of the licence” the words “, an applicant for the transfer of a licence where he is carrying out the functions to which the licence relates” are inserted.

## **28 Application of Part II of Act of 1991 to existing special treatment premises**

- (1) In the case where Part II (Special Treatment Premises) of the London Local Authorities Act 1991 (in this section referred to as “the Act of 1991”) applies to a participating borough on the date on which this Act is passed this section shall come into operation at the end of the period of three months beginning with that date and where Part II of the Act of 1991 does not so apply shall come into operation on the date from which it first applies to a participating borough.
- (2) After the expiry of the period of four weeks beginning with the date this section comes into force in a borough, subsection (3) of section 16 (Application to existing special treatment premises) of the Act of 1991 ceases to have effect in that borough and where premises to which subsection (1) of that section does not apply are lawfully being used as an establishment for special treatment, section 6 (Licensing under Part II) of the Act of 1991 has effect in relation to those premises.
- (3) Where premises to which subsection (1) of the said section 16 does not apply are lawfully being used as an establishment for special treatment on the date this section comes into force in the borough in which the premises are situated and application for a licence under Part II of the Act of 1991 is made within four weeks of that date those premises may lawfully continue to be used as an establishment for special treatment until the determination or withdrawal of that application and if an appeal is lodged until the determination or abandonment of the appeal.

## **29 Near beer premises**

- (1) Part IV (Near Beer Licensing) of the London Local Authorities Act 1995 applies in the area of a participating council in accordance with the following subsections.
- (2) In section 14 (Interpretation of Part IV)—
- (a) in the definition of “near beer premises” paragraph (a) is replaced by the following paragraph:—
    - “(a) consists in or includes the sale to customers for consumption on the premises of refreshments; and”
  - (b) the definition of “occupier” is left out.
- (3) In section 17 (Applications under Part IV)—
- (a) in subsection (1) the words from the beginning to “and shall” are replaced by “An applicant for the grant, renewal or transfer of a near beer licence shall”;
  - (b) in subsection (7)—
    - (i) at the beginning, the words “Subject to section 17A (Renewal and transfer of licence: supplementary) of this Act,” are inserted;
    - (ii) the words “or transfer” and the words from “or as the case may require, to have effect with any necessary modifications” are left out;
  - (c) at the end the following subsections are inserted:—
    - “(8) Subject to section 17A (Renewal and transfer of licence: supplementary) of this Act, where, before the date of expiry of a

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near beer licence, an application has been made for the transfer of that licence, the licence shall be deemed to remain in force (with any necessary modifications) notwithstanding that the date of expiry of the licence has passed, until the determination of the application by the council or the withdrawal of the application.

- (9) Where an applicant for the transfer of a near beer licence is carrying on the functions to which the licence relates, “any necessary modifications” where those words appear in subsection (8) above, means the substitution for the name of the licence holder of the name of the applicant for the transfer of the licence and any other necessary modifications.”.

(4) After the said section 17, the following section is inserted:—

**“17A Renewal and transfer of licence: supplementary**

- (1) The following provisions of this section shall have effect as respects cases where, before the date of expiry of a licence an application for renewal of the licence has been made (“a renewal case”) or an application for transfer of the licence has been made (“a transfer case”).
- (2) If the application is not determined before the prospective expiry date, the licence shall not be deemed to remain in force under subsection (7) or (8) of section 17 (Applications) of this Act, after that date and the application shall be deemed to be withdrawn on that date, unless before then the applicant pays the council a continuation fee.
- (3) Where a continuation fee is paid in pursuance of subsection (2) above in a renewal case, the applicant’s application for renewal shall be deemed to be an application for renewal for a period of twelve months starting on the day following the prospective expiry date.
- (4) Where a continuation fee is paid in pursuance of subsection (2) above in a transfer case—
  - (a) the applicant shall be deemed to have made an application for the renewal of the licence for a period of twelve months starting on the day following the prospective expiry date;
  - (b) the Council shall determine the application for transfer and deemed application for renewal together; and
  - (c) in the following provisions of this section, references to “the application” in a transfer case are references to the application for transfer and the application for renewal.
- (5) If the application is not determined before the date of the expiry of the renewal period under subsection (3) or (4) above, as the case may be, the licence shall not be deemed to remain in force under subsection (7) or (8) of the said section 17, as the case may be, after that date, and the application shall be deemed to be withdrawn on that date, unless before then the applicant pays the council a further continuation fee.
- (6) Where a further continuation fee is paid in pursuance of subsection (5) above then—

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- (a) in a renewal case, the applicant’s application for renewal shall be deemed to be an application for renewal for a period starting on the day following the date of the expiry of the renewal period under subsection (3) above; and
  - (b) in a transfer case, the applicant’s application so far as it is a deemed application for renewal shall be deemed to be an application for renewal for a period starting on the day following the date of the expiry of the renewal period under subsection (4) above.
- (7) A deemed application for renewal under subsection (6) shall be for a period expiring—
- (a) where the application is withdrawn, on the date of withdrawal;
  - (b) where the application is refused, on the date of the refusal;
  - (c) where the application is granted, on one or other of the following:—
    - (i) the date twelve months after the beginning of the period; or
    - (ii) such other date as may be specified by the Council when allowing the application.
- (8) In this section—
- “the prospective expiry date” means—
    - (a) in a transfer case, the date on which the licence would have expired if the application for transfer had not been made; and
    - (b) in a renewal case, the date of the expiry of the period in respect of which the application for renewal of the licence was made;
  - “a continuation fee” is a fee of the same amount as the fee payable in respect of an application for renewal of a licence.”.
- (5) In section 23 (Appeals under Part IV) at the beginning of subsection (5) the words “Subject to section 23A below” are inserted.
- (6) After the said section 23, the following section is inserted:—

**“23A Appeals: supplementary provisions,**

- (1) The following provisions of this section shall have effect as respects cases where an appeal under section 23 (Appeals under Part IV) of this Act is brought, within the period for doing so, against the revocation of a licence (“a revocation case”) or against the refusal of an application for renewal of a licence (“a refusal case”).
- (2) If the appeal is not determined before the prospective expiry date, the licence shall not be deemed to remain in force under subsection (5) of the said section 23 after that date, and the appeal shall be deemed to be abandoned on that date, unless before then—
  - (a) in a revocation case, the appellant makes an application for the renewal of the licence for a period of twelve months starting on the day following the prospective expiry date;
  - (b) in a refusal case the appellant pays the council a continuation fee.
- (3) Where a continuation fee is paid in pursuance of subsection (2)(b) above, the appellant’s refused application for renewal shall be deemed to be an

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application for renewal for a period of twelve months starting on the day following the prospective expiry date.

- (4) If the appeal is not determined before the date of the expiry of the renewal period under subsection (2)(a) or (3) above, as the case may be, the licence shall not be deemed to remain in force under subsection (5) of the said section 23 after that date, and the appeal shall be deemed to be abandoned on that date, unless before then the appellant pays the council a continuation fee or, as the case may be, a further continuation fee.
- (5) Where a continuation fee or a further continuation fee is paid in pursuance of subsection (4) above, the appellant's application for renewal or, as the case may be, refused application for renewal shall be deemed to be an application for renewal for a period starting on the day following the date of the expiry of the renewal period under subsection (2)(a) above or, as the case may be, subsection (3) above.
- (6) A deemed application for renewal under subsection (5) shall be for a period expiring—
- (a) where the appeal is withdrawn, on the date of withdrawal;
  - (b) where the appeal is unsuccessful—
    - (i) if a further appeal is available but is not made within the period for doing so, on the date of the expiry of that period;
    - (ii) if no further appeal is available, on the date of the decision of the court;
  - (c) where the appeal is successful, on the day before the date of the next anniversary of the beginning of the period; provided that where the period, at the time of the decision of the court, has been running for more than twelve months, the court may specify an earlier date.
- (7) In this section—
- “the prospective expiry date” means—
- (a) in a revocation case, the date on which the licence would have expired if it had not been revoked; and
  - (b) in a refusal case, the date of the expiry of the period in respect of which the refused application for renewal of the licence was made;
- “a continuation fee” is a fee of the same amount as the fee payable in respect of an application for renewal of a licence.”
- (7) In subsection (2) of section 24 (Enforcement under Part IV) after the words “holder of the licence” the words “, an applicant for the transfer of a near beer licence where he is carrying out the functions to which the licence relates” are inserted.

### **30 Door supervisors**

In its application to the area of a participating council, section 29 (Interpretation of Part V) of the London Local Authorities Act 1995 is amended as follows—

- (a) in paragraph (c) of the definition of “licensed premises” the words “or licensed” are left out;
- (b) in the definition of “door supervisor”—

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- (i) before the words “to maintain order” the words “any person employed” are inserted; and
- (ii) at the end the words “but, in respect of premises in respect of which there is in force for the time being a justices' on-licence within the meaning of section 1(2) of the Licensing Act 1964 does not include the holder of that licence” are inserted.

### **31 Fees in relation to distribution of free literature**

Subsection (6) of section 4 (Distribution of free literature) of the London Local Authorities Act 1994 is amended in its application to the area of a participating council other than the City by the substitution of the words “in whole or in part the reasonable administrative or other costs in connection with their functions under this section” for the words “the expense of the borough council in dealing with applications for such consents”.