



London Local Authorities Act 2000

2000 CHAPTER vii

PART IV

LICENSING

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

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

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:—

““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—

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (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) 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:—

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

“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 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—

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (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 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.