

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed), SCHEDULE 12A. (See end of Document for details)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 12A

#### CHILDREN’S CERTIFICATES: SUPPLEMENTARY PROVISIONS

##### Textual Amendments

**F1** Sch. 12A inserted (3.1.1995) by 1994 c. 40, s. 19(3), Sch. 7: S.I. 1994/3188, art. 3

##### *Applications*

- 1 (1) Licensing justices shall not entertain an application for a children’s certificate unless the applicant has, at least 21 days before the commencement of the licensing sessions at which the application is to be made, given to the [<sup>F2</sup>chief executive] to the justices and to the chief officer of police notice of his intention to make the application.
- (2) Notice under sub-paragraph (1) of this paragraph shall—
  - (a) be in writing and be signed by the applicant or his authorised agent, and
  - (b) state the situation of the premises where the area to which the application relates is to be found.
- (3) If the premises mentioned in sub-paragraph (2)(b) of this paragraph include a bar which is not included in the area to which the application relates, licensing justices may decline to entertain the application until the applicant has lodged a plan of the premises indicating the area to which the application relates.

##### Textual Amendments

**F2** Words in Sch. 12A para. 1(1) substituted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 paras. 36, 56(a) (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, art. 2 (with Sch. 2 para. 2)

- 2 (1) Where a chief officer of police wishes to oppose an application for a children’s certificate, he must give notice of his intention to do so to the applicant and to the [<sup>F3</sup>chief executive] to the licensing justices at least 7 days before the commencement of the licensing sessions at which the application is to be made.
- (2) Notice under sub-paragraph (1) of this paragraph shall be in writing and specify in general terms the grounds of the opposition.

##### Textual Amendments

**F3** Words in Sch. 12A para. 2(1) substituted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 paras. 36, 56(a) (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, art. 2 (with Sch. 2 para. 2)

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### *Refusal*

- 3       Where licensing justices refuse an application for a children’s certificate, they shall specify their reasons in writing to the applicant.

### *Conditions*

- 4       (1) It shall be a condition of the grant of a children’s certificate that meals and beverages other than intoxicating liquor are available for sale for consumption in the area to which the certificate relates at all times when the certificate is operational.
- (2) Licensing justices may impose such other conditions on the grant of a children’s certificate as they think fit.
- (3) Without prejudice to the generality of sub-paragraph (2) of this paragraph, conditions under that sub-paragraph may restrict the hours during which, or days on which, the certificate is operational.

### *When operational*

- 5       (1) Subject to any condition attached by the licensing justices and to sub-paragraph (2) of this paragraph, a children’s certificate shall be operational at any time up to nine in the evening.
- (2) Licensing justices may, in relation to a children’s certificate, approve a later time than nine in the evening as the time when the certificate ceases to be operational, and may do so either generally or for particular days or periods.
- (3) Licensing justices may only act under sub-paragraph (2) of this paragraph on the application of the appropriate person, but an approval under that provision need not correspond with the applicant’s proposals.
- (4) In sub-paragraph (3) of this paragraph, the reference to the appropriate person is—
- (a) in the case of an application with respect to an existing children’s certificate, to the holder of the justices’ licence for the licensed premises to which the certificate relates, and
- (b) in the case of an application made in conjunction with an application for a children’s certificate, to the applicant for the certificate.

### *Duration*

- 6       A children’s certificate shall remain in force until revoked.
- 7       (1) Licensing justices may, on their own motion or on application by the chief officer of police, revoke a children’s certificate if they are satisfied—
- (a) that the area to which the certificate relates does not constitute an environment in which it is suitable for persons under fourteen to be present, or
- (b) that there has been a serious or persistent failure to comply with one or more conditions attached to the certificate.
- (2) When acting on their own motion, licensing justices may only revoke a children’s certificate if, at least 21 days before the commencement of the licensing sessions at which they propose to revoke the certificate, they have given notice of their intention

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to do so to the holder of the justices’ licence for the licensed premises to which the certificate relates.

- (3) When acting on application by the chief officer of police, licensing justices may only revoke a children’s certificate if, at least 21 days before the commencement of the licensing sessions at which the application is to be made, the chief officer of police has given—
  - (a) to the [<sup>F4</sup>chief executive] to the licensing justices, and
  - (b) to the holder of the justices’ licence for the licensed premises to which the certificate relates, notice of his intention to apply for the revocation of the certificate.
- (4) Notice under sub-paragraph (2) or (3) of this paragraph shall be in writing and specify in general terms the grounds for the proposed revocation.

#### Textual Amendments

**F4** Words in Sch. 12A para. 7(3)(a) substituted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 paras. 36, 56(b) (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, art. 2 (with Sch. 2 para. 2)

- 8 If the holder of the justices’ licence for the licensed premises to which a children’s certificate relates gives—
  - (a) to the [<sup>F5</sup>chief executive] to the licensing justices, and
  - (b) to the chief officer of police,at least fourteen days notice in writing of a day on which he wishes the certificate to cease to be in force, it shall be treated as revoked on that day.

#### Textual Amendments

**F5** Words in Sch. 12A para. 8(a) substituted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 paras. 36, 56(b) (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, art. 2 (with Sch. 2 para. 2)

- 9 A children’s certificate shall be treated as revoked on the day on which the area to which it relates ceases to be comprised in premises for which a justices’ licence is in force.

### Appeals

- 10 (1) Any applicant for a children’s certificate who is aggrieved by a decision of licensing justices—
  - (a) refusing to grant a certificate, or
  - (b) as to the conditions attached to the grant of a certificate,may appeal to the Crown Court against the decision.
- (2) Any applicant for an extension of the time when a children’s certificate is operational who is aggrieved by a decision of licensing justices with respect to his application may appeal to the Crown Court against the decision.
- (3) Any holder of a justices’ licence who is aggrieved by a decision of licensing justices revoking a children’s certificate relating to the licensed premises may appeal to the Crown Court against the decision.

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- (4) The judgment of the Crown Court on any appeal under this paragraph shall be final.
- 11       Where the Crown Court—
- (a) has awarded costs against an appellant under paragraph 10 of this Schedule, and
  - (b) is satisfied that the licensing justices cannot recover those costs from him, it shall order payment out of central funds of such sums as appear to it sufficient to indemnify the licensing justices from all costs and charges whatever to which they have been put in consequence of the appellant’s notice of appeal.]

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