

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed), SCHEDULE 8A. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 8A

Sections 67A and 67C.

PROCEDURE FOR MAKING, VARYING OR REVOKING RESTRICTION ORDERS

Textual Amendments

F1 Sch. 8A inserted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 3(4)

PART I

APPLICATIONS TO LICENSING JUSTICES

Notice of application

- 1 (1) A person intending to apply to licensing justices for the making, variation or revocation of a restriction order with respect to any premises or part of any premises shall give notice of his intention to the clerk to the licensing justices and—
 - (a) in the case of an application for the making of an order, to the appropriate person in relation to the premises; and
 - (b) in the case of an application for the variation or revocation of an order—
 - (i) to the chief office of police; and
 - (ii) subject to sub-paragraph (3) below, to the person or, if more than one, each of the persons on whose application the order was made.
- (2) The reference in sub-paragraph (1) above to the person or persons on whose application a restriction order was made is, in relation to any person who applied by virtue of a position held by him, a reference to the holder for the time being of that position.
- (3) Notice under this paragraph in the case of an application for the variation or revocation of a restriction order is not required to be given to a person on whose application the order was made if that person is no longer entitled to apply for the making of a restriction order with respect to the premises or, if he applied by virtue of a position held by him, it is not a position which is any longer held in the neighbourhood; and the obligation to give a person notice is discharged by giving it to him at his last known address.
- (4) Notice under this paragraph shall be in writing and specify in general terms the grounds of the application.
- (5) Notice under this paragraph shall be given not later than 21 days before the commencement of the licensing sessions at which the application is to be made.

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- (6) Licensing justices shall not hear an application for the making, variation or revocation of a restriction order unless notice under this paragraph has been duly given.
- (7) For the purposes of this paragraph, the following person is the appropriate person in relation to the following premises—
- (a) in the case of a theatre, the proprietor;
 - (b) in the case of any other licensed premises, the holder of the justices' licence; and
 - (c) in the case of premises for which a canteen licence is in force, the holder of the canteen licence.

Objections to applications for variation or revocation

- 2 (1) A person intending to oppose an application to licensing justices for the variation or revocation of a restriction order shall give notice of his intention to the applicant.
- (2) Notice under this paragraph shall be in writing and specify in general terms the grounds of the opposition.
- (3) Notice under this paragraph shall be given not later than 7 days before the commencement of the licensing sessions at which the application is to be made.
- (4) Except as provided by sub-paragraph (5) below, licensing justices shall not entertain an objection unless notice under this paragraph has been duly given.
- (5) Where an objection of which notice under this paragraph has not been duly given is made to an application, the justices may adjourn consideration of the application to a day which they shall notify to the applicant and the objector and on that day the justices shall hear the application and the objection as if notice under this paragraph had been duly given.

Evidence

- 3 Evidence given on an application to licensing justices for the making, variation or revocation of a restriction order shall be given on oath.

PART II

APPLICATIONS TO MAGISTRATES' COURTS

Notice of application

- 4 (1) A magistrates' court shall not hear an application for the making, variation or revocation of a restriction order with respect to any premises unless satisfied that the applicant has given at least 21 days' notice of his intention to the following persons in accordance with this paragraph.
- (2) The persons referred to are the clerk to the justices and—

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- (a) in the case of an application for the making of an order, the secretary of the club which is registered in respect of the premises to which the application relates; and
 - (b) in the case of an application for the variation or revocation of an order—
 - (i) the chief officer of police; and
 - (ii) subject to sub-paragraph (4) below, the person or, if more than one, each of the persons on whose application the order was made.
- (3) The reference in sub-paragraph (2) above to the person or persons on whose application a restriction order was made is, in relation to any person who applied by virtue of a position held by him, a reference to the holder for the time being of that position.
- (4) Notice under this paragraph in the case of an application for the variation or revocation of a restriction order is not required to be given to a person on whose application the order was made if that person is no longer entitled to apply for the making of a restriction order with respect to the premises or, if he applied by virtue of a position held by him, it is not a position which is any longer held in the neighbourhood; and the obligation to give a person notice is discharged by giving it to him at his last known address.
- (5) Notice under this paragraph shall be in writing and specify in general terms the grounds of the application.

Objections to applications for variation or revocation

- 5
- (1) A person intending to oppose an application to a magistrates' court for the variation or revocation of a restriction order shall give at least 7 days' notice of his intention to the applicant.
 - (2) Notice under this paragraph shall be in writing and specify in general terms the grounds of the opposition.
 - (3) Except as provided by sub-paragraph (4) below, a magistrates' court shall not entertain an objection unless notice under this paragraph has been duly given.
 - (4) Where an objection of which notice under this paragraph has not been duly given is made to an application, the magistrates' court may adjourn consideration of the application to a day which it shall notify to the applicant and the objector and shall on that day hear the application and the objection as if notice of the objection had been duly given.]

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