

## SCHEDULES

### SCHEDULE 3

Section 27

#### LAP DANCING AND OTHER SEXUAL ENTERTAINMENT VENUES ETC: TRANSITIONAL PROVISION

##### *Effect of section 27: cases where no existing resolutions passed*

- 1 A resolution made on or after the coming into force of section 27 by a local authority under section 2 of the 1982 Act that Schedule 3 to that Act is to apply to the area of the local authority applies to that Schedule as amended by section 27.

##### *Effect of section 27: cases where existing resolutions in force*

- 2 (1) Sub-paragraph (2) applies if a local authority has, before the coming into force of section 27, resolved under section 2 of the 1982 Act that Schedule 3 to that Act is to apply to the area of the local authority.  
(2) The amendments made by section 27 do not apply to the area of the local authority concerned and the resolution concerned does not apply to the Schedule as amended by section 27 but the local authority may resolve that the Schedule as amended by section 27 is to apply to their area.  
(3) Section 2 of the 1982 Act has effect in relation to a resolution under sub-paragraph (2) that Schedule 3 to that Act as amended by section 27 is to apply to the area of a local authority as section 2 of that Act has effect in relation to any resolution under that section that the Schedule is to apply to the area of a local authority.  
(4) The definition of “the appropriate authority” in paragraph 5 of Schedule 3 to the 1982 Act has effect as if the reference to a resolution under section 2 of that Act included a reference to a resolution under sub-paragraph (2).

##### *Power to make transitional provision on adoption of Schedule 3 to the 1982 Act as amended*

- 3 (1) The relevant national authority may by order make such transitional, transitory or saving provision as the relevant national authority considers appropriate in connection with the coming into force, in consequence of a resolution of a local authority under section 2 of the 1982 Act or paragraph 2(2) above, of Schedule 3 to that Act as amended by section 27.  
(2) An order under this paragraph may, in particular, make different provision from that made by paragraphs 28 and 29 of Schedule 3 to that Act (and may accordingly provide for those paragraphs not to apply).  
(3) The power of the relevant national authority under this paragraph—
  - (a) is exercisable by statutory instrument,
  - (b) may be exercised so as to make different provision for different purposes or different areas,

- (c) includes power to make supplementary, incidental or consequential provision.

*Duty to consult about adopting Schedule 3 to the 1982 Act as amended*

- 4 (1) Sub-paragraph (2) applies if a local authority has not made a resolution under section 2 of the 1982 Act or (as the case may be) paragraph 2(2) above within the period of one year beginning with the coming into force of section 27.
- (2) The local authority must, as soon as reasonably practicable, consult local people about whether the local authority should make such a resolution.
- (3) In sub-paragraph (2) “local people” means persons who live or work in the area of the local authority.

*Interpretation*

- 5 In this Schedule—
- “the 1982 Act” means the Local Government (Miscellaneous Provisions) Act 1982 (c. 30),
- “relevant national authority” means—
- (a) in relation to England, the Secretary of State, and
- (b) in relation to Wales, the Welsh Ministers,
- “local authority” has the same meaning as in Part 2 of the 1982 Act (see section 2(5) of that Act);
- and references in this Schedule to the coming into force of section 27 are references to the coming into force of that section for purposes other than the purposes of the Secretary of State or the Welsh Ministers making orders.