

1999 No. 2137

DEREGULATION

The Deregulation (Millennium Licensing) Order 1999

Made - - - - *28th July 1999*

Coming into force *29th July 1999*

Whereas:

- (a) the Secretary of State is of the opinion that certain provisions of the Licensing Act 1964(a) and which are the subject of this Order impose burdens affecting persons in the carrying on of a trade, business, profession or otherwise and that by amending or repealing the provisions concerned and by making certain other provision it is possible to remove or reduce the burdens without removing any necessary protection;
- (b) he has consulted such organisations as appear to him to be representative of interests substantially affected by his proposals and such other persons as he considers appropriate;
- (c) it appears to the Secretary of State that it is appropriate, following that consultation, to proceed with the making of this Order;
- (d) a document setting out the Secretary of State's proposals has been laid before Parliament as required by section 3 of the Deregulation and Contracting Out Act 1994(b) and the period for Parliamentary consideration under section 4 of that Act has expired;
- (e) the Secretary of State has had regard to the representations made during that period;
- (f) a draft of this Order has been laid before Parliament with a statement giving details of those representations and the changes to the Secretary of State's proposals in the light of those representations;
- (g) a draft of this Order has been approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 1 of the Deregulation and Contracting Out Act 1994, hereby makes the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Deregulation (Millennium Licensing) Order 1999 and shall come into force on the day after the day on which it is made.

(2) This Order extends to England and Wales.

Amendments to the Licensing Act 1964

2.—(1) After section 83 of the Licensing Act 1964 (supplementary provisions as to special hours certificates) there shall be inserted the following section—

(a) 1964 c. 26.

(b) 1994 c. 40.

“Millennium licensing hours

Millennium licensing hours

83A. Schedule 8B to this Act shall have effect in relation to the permitted hours on 31st December 1999 in—

- (a) licensed premises, other than premises licensed for the sale of intoxicating liquor for consumption off the premises only; and
- (b) premises in respect of which a club is registered.”.

(2) In section 156 of that Act (permitted hours in licensed canteens) there shall be added at the end the following subsection—

“(4) Paragraph 1 of Schedule 8B to this Act shall apply in relation to a licensed canteen as it applies in relation to premises in respect of which a justices’ on-licence is in force.”.

(3) In section 156A of that Act (restriction orders in respect of licensed canteens)(**a**), after “67C of” there shall be inserted “and paragraphs 2 to 5 of Schedule 8B to”.

3. After Schedule 8A to the Licensing Act 1964(**b**) there shall be inserted the following Schedule—

“SCHEDULE 8B

Section 83A

MILLENNIUM LICENSING HOURS

Millennium licensing hours

1.—(1) The Millennium licensing hours shall (subject to any Millennium restriction order) be added to the permitted hours in—

- (a) licensed premises, other than premises licensed for the sale of intoxicating liquor for consumption off the premises only; and
- (b) premises in respect of which a club is registered.

(2) The Millennium licensing hours are the period between—

- (a) the end of the permitted hours in the premises on 31st December 1999; and
- (b) the beginning of the permitted hours in the premises on the following day (or, if there are no permitted hours in the premises on that day, midnight on 31st December 1999).

(3) If there are no permitted hours in the premises on 31st December 1999, there are no Millennium licensing hours in those premises.

(4) In determining for the purposes of sub-paragraph (2) above when any permitted hours end or begin, this paragraph and any Millennium restriction order shall be disregarded (but anything which for the time being adds to or restricts the permitted hours by virtue of any other provision of this Act, including section 68 or 70, shall be taken into account).

(5) Hours which—

- (a) are comprised in the permitted hours for limited purposes by virtue of section 68 or 70 of this Act; and
- (b) fall immediately before hours added by virtue of sub-paragraph (1) above,

shall be added to the permitted hours for all purposes.

(6) No special order of exemption shall be made to add to the permitted hours in any premises any hours which would otherwise be comprised in the Millennium licensing hours for those premises.

(a) Section 156A was inserted by the Licensing Act 1988 (c. 17), section 3.

(b) Schedule 8A was inserted by the Licensing Act 1988, section 3.

(7) Where the permitted hours are different in different parts of the same premises, each such part shall be treated as separate premises for the purposes of this paragraph.

Millennium restriction orders

2.—(1) An order under this paragraph (referred to in this Schedule as a “Millennium restriction order”) may be made with respect to—

- (a) any licensed premises or part of licensed premises, other than premises licensed for the sale of intoxicating liquor for consumption off the premises only; and
- (b) any premises in respect of which a club is registered.

(2) Where a Millennium restriction order is in force with respect to any premises or part of any premises, the period added by paragraph 1(1) above to the permitted hours in those premises or that part shall not include any time specified in the order.

(3) A Millennium restriction order may specify all or any part of the Millennium licensing hours.

(4) The power to make a Millennium restriction order shall be exercisable—

- (a) with respect to licensed premises, by licensing justices, and
- (b) with respect to premises in respect of which a club is registered, by a magistrates’ court,

on application being made to them under this paragraph.

(5) An application for a Millennium restriction order may be made by—

- (a) the chief officer of police;
- (b) any person living in the neighbourhood, or any body representing persons who do;
or
- (c) the local authority in whose area the premises are situated.

(6) In sub-paragraph (5) above “local authority” means—

- (a) in England, a district council, a London borough council or the Common Council of the City of London;
- (b) in Wales, a county council or a county borough council.

(7) A Millennium restriction order may be made—

- (a) on the ground that it is desirable to avoid or reduce any disturbance of or annoyance to persons living in the neighbourhood due to the use of the premises or part of the premises; or
- (b) on the ground that it is desirable to avoid or reduce the occurrence of disorderly conduct in the premises or part of the premises or the occurrence in the vicinity of the premises of disorderly conduct on the part of persons resorting to the premises or part of the premises.

(8) The terms of a Millennium restriction order shall be such as the licensing justices or, as the case may be, the magistrates’ court think fit.

Applications for Millennium restriction orders: licensing justices

3.—(1) A person intending to apply to licensing justices for the making of a Millennium 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 to the appropriate person in relation to the premises.

(2) Notice under this paragraph shall be in writing and specify in general terms the grounds of the application.

(3) 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.

(4) Licensing justices shall not hear an application for the making of a Millennium restriction order unless notice under this paragraph has been duly given.

(5) 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.

(6) Evidence given on an application to licensing justices for the making of a Millennium restriction order shall be given on oath.

Applications for Millennium restriction orders: magistrates' courts

4.—(1) A Magistrates' court shall not hear an application for the making of a Millennium restriction order with respect to any premises unless satisfied that the applicant has given at least 21 days' notice of this intention to the following persons in accordance with this paragraph.

(2) The persons referred to are the clerk to the justices and the secretary of the club which is registered in respect of the premises to which the application relates.

(3) Notice under this paragraph shall be in writing and specify in general terms the grounds of the application.

Millennium restriction orders: appeals

5.—(1) Any holder of a justices' licence, any club or any proprietor of a theatre aggrieved by a decision of licensing justices or a magistrates' court—

- (a) granting a Millennium restriction order, or
- (b) as to the terms on which such an order is granted,

may appeal to the Crown Court against the decision.

(2) On an appeal under this paragraph the applicant for the order against which the appeal is brought shall be respondent in addition to the licensing justices or justices, as the case may be.

(3) Where an appeal is brought under this paragraph, the order shall remain in force pending the disposal of the appeal.

(4) The judgment of the Crown Court on any appeal under this paragraph shall be final.

Duty to post notice of Millennium restriction order on premises

6.—(1) Where a Millennium restriction order is in force with respect to any licensed premises, the holder of the licence or the theatre proprietor, as the case may be, shall keep posted in some conspicuous place there throughout 31st December 1999 and 1st January 2000 a notice stating the effect of the order on the permitted hours.

(2) Where a Millennium restriction order has effect with respect to a part only of licensed premises, sub-paragraph (1) above requires the notice to be posted in that part of the premises.

(3) A person contravening this paragraph shall be liable to a fine not exceeding level 1 on the standard scale."

Home Office
28th July 1999

George Howarth
Parliamentary Under-Secretary of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 1 of the Deregulation and Contracting Out Act 1994. It reduces burdens on business by amending the Licensing Act 1964 to allow the sale of intoxicating liquor in licensed premises other than off-licences, in registered clubs and in licensed canteens between what would otherwise be the end of the permitted hours on New Year's Eve 1999 and the beginning of the permitted hours on New Year's Day 2000.

The amendments also confer power on the licensing authorities to make an order (a "Millennium restriction order") the effect of which is to prevent all or any of the additional hours from applying in any premises where they consider it desirable to avoid or reduce disturbance, annoyance or disorderly conduct. The police, local residents and local authorities may apply for such orders. The amendments make provision as to the procedure for making such orders.

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