
WELSH STATUTORY INSTRUMENTS

2021 No. 356

The Local Government and Elections (Wales)
Act 2021 (Consequential Amendments and
Miscellaneous Provisions) Regulations 2021

PART 3

Amendments to secondary legislation

The Licensing Act 2003 (Hearings) Regulations 2005

8.—(1) The Licensing Act 2003 (Hearings) Regulations 2005(1) are amended as follows.

(2) In regulation 2 (interpretation), after paragraph (2) insert—

“(2A) In these Regulations, a reference to a hearing of an authority in Wales held through remote means is to a hearing held by means of any equipment or other facility which enables persons who are not in the same place to speak and be heard by each other (whether or not the equipment or facility enables those persons to see or be seen by each other).”

(3) In regulation 4 (period of time within which hearing to be held)—

- (a) the existing text becomes paragraph (1);
- (b) in that paragraph, at the beginning, for the “The authority” substitute “An authority in England”;
- (c) after that paragraph insert—

“(2) An authority in Wales must—

- (a) in the case of a hearing which is held through remote means only, arrange for the date and time at which the hearing is to be held in accordance with regulation 5;
- (b) in the case of a hearing which is held partly through remote means or not through remote means, arrange for the date on which and the place and time at which a hearing is to be held in accordance with regulation 5;

(2A) In either case mentioned in paragraph (2) an authority in Wales must give a notice of hearing in accordance with regulations 6(1A) and 7.”

(4) In regulation 6 (notice of hearing)—

- (a) in paragraph (1), for “the authority” substitute “an authority in England”;
- (b) after paragraph (1) insert—

“(1A) In the case of hearings under the provisions listed in column 1 of the table in Schedule 2, an authority in Wales must, in accordance with the following provisions of this regulation, give to the persons listed in column 2 of the table a notice which—

(1) *S.I. 2005/44.* Section 50(4) of the 2021 Act provides that Regulations under that section may amend, modify, repeal or revoke any enactment.

- (a) where the hearing is held through remote means only, gives details of the time of the hearing and how to access it, or
 - (b) where the hearing is held partly through remote means or not through remote means, gives details of the time and place of the hearing and how to access it.”
- (5) In regulation 12 (power to extend time etc.)—
 - (a) in paragraph (2), after “an authority” insert “in England”;
 - (b) after paragraph (2) insert—
 - “(2A) Where an authority in Wales has adjourned a hearing to a specified date, it must forthwith notify the parties—
 - (a) in the case of a hearing held through remote means only, of the date and time to which the hearing has been adjourned and how to access it; or
 - (b) in the case of a hearing held partly through remote means or not through remote means, of the date, time and place to which the hearing has been adjourned and how to access it.”
 - (c) in paragraph (3), after “an authority” insert “in England”;
 - (d) after paragraph (3) insert—
 - “(3A) Where an authority in Wales has arranged for a hearing to be held on a specified additional date, it must forthwith notify the parties—
 - (a) in the case of a hearing held through remote means only, of the additional date on which and time at which the hearing is to be held and how to access it; or
 - (b) in the case of a hearing held partly through remote means or not through remote means, of the additional date on which and time and place at which the hearing is to be held and how to access it.”
- (6) In regulation 20 (failure of parties to attend the hearing)—
 - (a) in paragraph (4) for “the authority” substitute “an authority in England”;
 - (b) after paragraph (4) insert—
 - “(4A) Where an authority in Wales adjourns the hearing to a specified date it must forthwith notify the parties—
 - (a) in the case of a hearing held through remote means only, of the date and time to which the hearing has been adjourned and how to access it; or
 - (b) in the case of a hearing held partly through remote means or not through remote means, of the date, time and place to which the hearing has been adjourned and how to access it.”