

SCHEDULES

SCHEDULE 1

Section 22.

LONDON GOVERNMENT ACT 1963 SCHEDULE 12 AS HAVING EFFECT IN ACCORDANCE WITH PART IV (LICENSING) OF THIS ACT

“SCHEDULE 12

LICENSING OF PUBLIC ENTERTAINMENTS IN GREATER LONDON ON AND AFTER 1ST APRIL 1965

Music and dancing licences

- 1 (1) *** No premises in a London borough or the City of London, whether or not licensed for the sale of intoxicating liquor, shall be used for any of the following purposes, that is to say, public dancing or music and any other public entertainment of the like kind, except under and in accordance with the terms of a licence granted under this paragraph by the council of that borough or the Common Council, as the case may be, and that council or the Common Council is in this Schedule referred to as “the Council”.
- (2) The Council may grant to *** an applicant and from time to time renew or transfer a licence for the use of any premises specified therein for all or any of the purposes aforesaid on such terms and conditions and subject to such restrictions as may be so specified.
- (3) Subject to the next following sub-paragraph and to paragraph 19(3) of this Schedule, a licence granted under this paragraph shall, unless previously cancelled under paragraph 8 or revoked under paragraph 9A or 10(4) or (4A) of this Schedule, remain in force for one year or for such shorter period specified in the licence as the Council may think fit.
- (4) The Council may grant a licence under this paragraph in respect of such one or more particular occasions only as may be specified in the licence, and a licence granted by virtue of this sub-paragraph is hereafter in this Schedule referred to as an “occasional licence”.
- *** **
- (6) Sub-paragraph (1) of this paragraph shall not apply to any entertainment lawfully held by virtue of letters patent or licence of the Crown.
- (7) In this paragraph “premises” includes any place.
- 2 (1) An applicant for the grant, renewal or transfer of a licence under paragraph 1 or the variation of such a licence under paragraph 18 of this Schedule shall, not later than the day the application is made, send a copy of the application to the commissioner of police in whose area the premises are situated (in this Schedule referred to as “the commissioner”) and to the London Fire and Civil Defence Authority (in this

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

Schedule referred to as “the fire authority”) and, subject to sub-paragraph (2) below, no such application shall be considered by the Council unless the applicant complies with this sub-paragraph.

- (2) Where an application for the grant, renewal, transfer or variation of a licence has been made and the applicant has failed to send a copy of the application in accordance with the requirement of sub-paragraph (1) above the Council may, in such cases as they think fit and after duly consulting with the party who was not supplied with a copy of the said application, waive such a requirement.
 - (3) In considering any such application the Council shall have regard to any observations submitted to them by the commissioner and the fire authority within twenty-eight days of the making of the application and may have regard to any observation submitted by them thereafter.
 - (4) An applicant for any such grant, renewal, transfer or variation of a licence shall furnish such particulars and give such other notices, including the public advertisement of the application, as the Council may by regulation prescribe.
 - (5) Save where a shorter period is agreed by the Council, an applicant for the grant of an occasional licence shall make such application not less than twenty-eight days in advance of the occasion for which the occasional licence is sought and shall send a copy of the application to the Commissioner and to the fire authority.
 - (6) Regulations under sub-paragraph (4) above may prescribe the procedure for determining applications.
- 2A
- (1) This paragraph applies where the Council by whom a licence was granted under paragraph 1 of this Schedule in respect of any premises receive a report from the commissioner of police in whose district the premises are situated—
 - (a) stating that there is a serious problem relating to the supply or use of controlled drugs at the premises or at any premises nearby which are controlled by the holder of the licence; and
 - (b) giving reasons for his view that there is such a problem.
 - (2) An application for the renewal or transfer of the licence may be refused by the Council on the ground that they are satisfied that not renewing or transferring it will significantly assist in dealing with the problem.
 - (3) The Council shall give the reasons for their refusal of the application to—
 - (a) the holder of the licence; and
 - (b) in the case of an application for the transfer of the licence, the person to whom the licence would have been transferred if the application had been granted.
 - (4) A person to whom reasons are given may make representations to the Council; and the Council shall consider any representations within the period of twenty-one days beginning with the day on which they receive them.
 - (5) After considering any representations, the Council shall (unless the date of expiry of the licence has passed) either—
 - (a) confirm the refusal of the application; or
 - (b) grant the application.
 - (6) The Council shall have regard in exercising their functions under this paragraph to such guidance as may be issued by the Secretary of State.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

(7) In this paragraph “premises” includes any place.

- 3 The person making an application for the grant, renewal or transfer of a licence under paragraph 1 of this Schedule (except where the licence is for an entertainment which in the opinion of the Council is of an educational or other like character or is given for a charitable or other like purpose) on making the application pay to the Council such fee as the Council may fix.

Indoor sports licences

- 3A (1) Subject to sub-paragraphs (2) and (3) below, no premises in a London borough or the City of London shall be used for any entertainment which consists of any sporting event to which the public are invited as spectators (a “sports entertainment”) except under and in accordance with the terms of a licence granted under this paragraph by the Council.
- (2) Sub-paragraph (1) above does not require a licence in respect of any occasion when the sporting event which constitutes the entertainment is not the principal purpose for which the premises are used on that occasion; but this provision does not apply in relation to a sports complex.
- (3) Sub-paragraph (1) above does not apply to a sports entertainment held in a pleasure fair.
- (4) The Council may grant to *** an applicant, and from time to time renew or transfer, a licence for the use of any premises specified in it for any sports entertainment on such terms and conditions and subject to such restrictions as may be so specified.
- (5) Subject to the next following sub-paragraph and to paragraph 19(3) of this Schedule, a licence granted under this paragraph shall, unless previously cancelled under paragraph 8 or revoked under paragraph 10(4) of this Schedule, remain in force for one year or for such shorter period specified in the licence as the Council think fit.
- (6) the Council may grant a licence under this paragraph in respect of such one or more particular occasions only as may be specified in the licence, and a licence granted by virtue of this sub-paragraph is hereafter in this Schedule referred to as an “occasional sports licence”.

* * * * *

(8) In this paragraph—

“premises” means any permanent or temporary building and any tent or inflatable structure and includes a part of a building where the building is a sports complex but does not include a part of any other building;

“sporting event” means a contest, exhibition or display of any sport;

“sports complex” means a building—

- (a) which provides accommodation and facilities for both those engaging in sport and spectators; and
- (b) the parts of which are so arranged that one or more sports can be engaged in simultaneously in different parts of the building; and

“sport” includes any game in which physical skill is the predominant factor and any form of physical recreation which is also engaged in for purposes of competition or display, except dancing (in any form).

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- 3B (1) An applicant for the grant, renewal or transfer of a licence under paragraph 3A or the variation of such a licence under paragraph 18 of this Schedule shall, not later than the day the application is made, send a copy of the application to the commissioner and to the fire authority and, subject to sub-paragraph (2) below, no such application shall be considered by the Council unless the applicant complies with this sub-paragraph.
- (2) Where an application for the grant, renewal, transfer or variation of a licence has been made and the applicant has failed to send a copy of the application in accordance with the requirement of sub-paragraph (1) above the Council may, in such cases as they think fit and after duly consulting with the party who was not supplied with a copy of the said application, waive such a requirement.
- (3) In considering any such application the Council shall have regard to any observations submitted to them by the commissioner and the fire authority within twenty-eight days of the making of the application and may have regard to any observation submitted by them thereafter.
- (4) An applicant for any such grant, renewal, transfer or variation of a licence shall furnish such particulars and give such other notices, including the public advertisement of the application, as the Council may by regulation prescribe.
- (5) Regulations under sub-paragraph (4) above may prescribe the procedure for determining applications. 3C. The person making an application for the grant, renewal or transfer of a licence under paragraph 3A of this Schedule shall on making the application pay to the Council such fee as the Council may fix.

Boxing and wrestling licences

- 4 (1) This paragraph shall apply to any boxing or wrestling entertainment (that is to say, any public contest, exhibition or display of boxing or, as the case may be, wrestling) which is provided wholly or mainly in the open air in Greater London other than such an entertainment provided—
- (a) by a travelling showman at a pleasure fair;
 - (b) by members of the Boy Scouts' Association or of any organisation constituted by the Boy Scouts' Association in pursuance of their charter;
 - (c) by any school; or
 - (d) by a bona fide association, club, hospital or society not carried on for profit.
- (2) A boxing or wrestling entertainment to which this paragraph applies shall not be given elsewhere than at premises licensed for the purpose in accordance with the provisions of this paragraph and in accordance with the terms of that licence.
- (3) The Council may grant to *** an applicant and from time to time renew or transfer a licence to use any premises specified therein for the purpose of a boxing or wrestling entertainment on such terms and conditions and subject to such restrictions as may be so specified.
- (4) Subject to the next following sub-paragraph and to paragraph 19(3) of this Schedule, a licence granted under this paragraph shall, unless previously cancelled under paragraph 8 or revoked under paragraph 10(4) of this Schedule, remain in force for one year or for such shorter period specified in the licence as the Council may think fit.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (5) The Council may grant a licence under this paragraph in respect of such one or more particular occasions only as may be specified in the licence, and a licence granted by virtue of this sub-paragraph is hereafter in this Schedule referred to as an “occasional outdoor boxing or wrestling licence”.

* * * * *

- (7) In this paragraph “premises” includes any place.

- 5 (1) An applicant for the grant, renewal, transfer or variation of a licence under paragraph 4 or the variation of such a licence under paragraph 18 of this Schedule shall not later than the day the application is made send a copy of the application to the Commissioner and to the fire authority and, subject to sub-paragraph (2) below, no such application shall be considered by the Council unless the applicant complies with this sub-paragraph.
- (2) Where an application for the grant, renewal, transfer or variation of a licence has been made and the applicant has failed to send a copy of the application in accordance with the requirement of sub-paragraph (1) above the Council may, in such cases as they think fit and after duly consulting with the party who was not supplied with a copy of the said application, waive such a requirement.
- (3) In considering any such application the Council shall have regard to any observations submitted to them by the Commissioner and the fire authority within twenty-eight days of the making of the application and may have regard to any observation submitted by them thereafter.
- (4) An applicant for any such grant, renewal, transfer or variation of a licence shall furnish such particulars and give such other notices, including the public advertisement of the application, as the Council may by regulation prescribe.
- (5) Regulations under sub-paragraph (4) above may prescribe the procedure for determining applications.
- 6 The person making an application for the grant, renewal or transfer of a licence under paragraph 4 of this Schedule shall on making the application pay to the Council such fee as the Council may fix.
- 6A Subject to paragraph 6C of this Schedule, where, before the date of expiry of a licence granted under paragraph 1, 3A or 4 of this Schedule, an application has been made for the renewal of that licence, the licence shall be deemed to remain in force, notwithstanding that the date of expiry of the licence has passed, until the determination of the application by the Council or until the withdrawal of the application.
- 6B Subject to paragraph 6C of this Schedule, where, before the date of expiry of a licence granted under paragraph 1, 3A or 4 of this Schedule, an application has been made for the transfer of that licence, the licence shall be deemed to remain in force (with any necessary modifications) notwithstanding that the date of expiry of the licence has passed, or that the applicant for such transfer is carrying on at the premises in respect of which the licence was granted the functions to which the licence relates, until the determination of the application by the Council or the withdrawal of the application.
- 6C (1) The following provisions of this paragraph shall have effect as respects cases where, before the date of expiry of a licence granted under paragraph 1, 3A or 4 of this

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

Schedule an application for renewal of the licence has been made (“a renewal case”) or an application for transfer of the licence has been made (“a transfer case”).

- (2) If the application is not determined before the prospective expiry date, the licence shall not be deemed to remain in force under paragraph 6A or 6B of this Schedule, as the case may be, after that date and the application shall be deemed to be withdrawn on that date, unless before then the applicant pays the Council a continuation fee.
- (3) Where a continuation fee is paid in pursuance of sub-paragraph (2) of this paragraph in a renewal case, the applicant’s application for renewal shall be deemed to be an application for renewal for a period of twelve months starting on the day following the prospective expiry date.
- (4) Where a continuation fee is paid in pursuance of sub-paragraph (2) of this paragraph in a transfer case—
 - (a) the applicant shall be deemed to have made an application for the renewal of the licence for a period of twelve months starting on the day following the prospective expiry date;
 - (b) the Council shall determine the application for transfer and deemed application for renewal together; and
 - (c) in the following provisions of this paragraph, references to “the application” in a transfer case are references to the application for transfer and the application for renewal.
- (5) If the application is not determined before the date of the expiry of the renewal period under sub-paragraph (3) or (4) of this paragraph, as the case may be, the licence shall not be deemed to remain in force under paragraph 6A or 6B of this Schedule, as the case may be, after that date, and the application shall be deemed to be withdrawn on that date, unless before then the applicant pays the Council a further continuation fee.
- (6) Where a further continuation fee is paid in pursuance of sub-paragraph (5) of this paragraph, then—
 - (a) in a renewal case, the applicant’s application for renewal shall be deemed to be an application for renewal for a period starting on the day following the date of the expiry of the renewal period under sub-paragraph (3) of this paragraph; and
 - (b) in a transfer case, the applicant’s application so far as it is a deemed application for renewal shall be deemed to be an application for renewal for a period starting on the day following the date of the expiry of the renewal period under sub-paragraph (4) of this paragraph.
- (7) A deemed application for renewal under paragraph (6) shall be for a period expiring—
 - (a) where the application is withdrawn, on the date of withdrawal;
 - (b) where the application is refused, on the date of the refusal;
 - (c) where the application is granted, on one or other of the following:—
 - (i) the date twelve months after the beginning of the period; or
 - (ii) such other date as may be specified by the Council when allowing the application.
- (8) In this paragraph—

“the prospective expiry date” means—

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (a) in a transfer case, the date on which the licence would have expired if the application for transfer had not been made; and
 - (b) in a renewal case, the date of the expiry of the period in respect of which the application for renewal of the licence was made;
- “a continuation fee” is a fee of the same amount as the fee payable in respect of an application for renewal of a licence.

- 6D Where an applicant for the transfer of a licence granted under paragraph 1, 3A or 4 of this Schedule is carrying on at the premises in respect of which the licence was granted the functions to which the licence relates, “any necessary modifications” where those words appear in paragraph 6B of this Schedule, means the substitution for the name of the licence holder of the name of the applicant for the transfer of the licence and any other necessary modifications.

Transmission and cancellation of licences

- 7 In the event of the death of the holder of a licence granted under paragraph 1, 3A or 4 of this Schedule, then, until a legal personal representative of the deceased holder has been duly constituted, the person carrying on at the premises in respect of which the licence was granted the functions to which the licence relates shall be deemed to be the holder of the licence unless and until it is transferred to some other person.
- 8 The Council upon receiving from the holder of a licence under paragraph 1, 3A or 4 of this Schedule which is for the time being in force a written request in that behalf accompanied by the licence may cancel the licence.

Power to impose general terms, conditions and restrictions by regulations

* * * * *

- 9 (1) The Council may make regulations prescribing standard conditions applicable to all, or any class of, licences which may be granted under paragraph 1, 3A or 4 of this Schedule.
- (2) Where the Council have made regulations under this paragraph, every licence granted, renewed or transferred by them shall be deemed to have been so granted, renewed or transferred subject to any standard conditions except so far as they are expressly excluded or amended in any particular case.
- 9A (1) This paragraph applies where the Council by whom a licence was granted under paragraph 1 of this Schedule in respect of any premises receive a report from the commissioner of police in whose district the premises are situated—
- (a) stating that there is a serious problem relating to the supply or use of controlled drugs at the premises or at any premises nearby which are controlled by the holder of the licence; and
 - (b) giving reasons for his view that there is such a problem.
- (2) The Council may—
- (a) revoke the licence; or
 - (b) impose terms, conditions or restrictions on or subject to which it is to be held,
- on the ground that they are satisfied that to do so will significantly assist in dealing with the problem.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (3) The Council shall give the reasons for their revocation of the licence, or the imposition of the terms, conditions or restrictions, to the holder of the licence who may make representations to the Council; and the Council shall consider any representations within the period of twenty-one days beginning with the day on which they receive them.
- (4) After consideration of any representations, the Council shall (unless the date of expiry of the licence has passed) either—
 - (a) confirm that the licence remains revoked or continues to have effect on or subject to the terms, conditions or restrictions which have been imposed; or
 - (b) reinstate the licence or determine that it has effect free of those terms, conditions or restrictions.
- (5) The Council shall have regard in exercising their functions under this paragraph to such guidance as may be issued by the Secretary of State.
- (6) In this paragraph “premises” includes any place.

Enforcement of paragraphs 1 to 9

- 10 (1) If at any premises any entertainment in respect of which a licence is required under paragraph 1, 3A or 4 of this Schedule is provided without such a licence being held in respect thereof, then—
 - (a) any person concerned in the organisation or management of that entertainment; and
 - (b) any other person who, knowing or having reasonable cause to suspect that such an entertainment would be so provided at those premises—
 - (i) allowed the premises to be used for the provision of that entertainment; or
 - (ii) let the premises, or otherwise made the premises available, to any person by whom an offence in connection with the entertainment has been committed,
 shall be guilty of an offence.
- (2) Subject to paragraph 11 of this Schedule, if—
 - (a) any person is the holder of a licence under the said paragraph 1, 3A or 4, under section 21 (Licensing of public exhibitions, etc.) of the Greater London Council (General Powers) Act 1966 or under section 5 (Licensing of entertainments booking offices) of the Greater London Council (General Powers) Act 1978 in respect of any premises which have been used in contravention of any term, condition or restriction on or subject to which the licence is held; or
 - (aa) any person is an applicant for the transfer of a licence granted under paragraph 1, 3A or 4 of this Schedule where he is carrying on at the premises in respect of which the licence was granted the functions to which the licence relates in respect of any premises which have been used in contravention of any term, condition or restriction on or subject to which the licence is held; or
 - (b) any other person who, knowing or having reasonable cause to suspect that the premises would be so used—
 - (i) allowed the premises to be used; or

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (ii) let the premises, or otherwise made the premises available, to any person who so used the premises;
- he shall be guilty of an offence in respect of the contravention of each such term, condition or restriction.
- (3) Any person guilty of an offence under sub-paragraph (1) or (2) of this paragraph shall be liable on summary conviction—
- (a) in the case of an offence to which sub-paragraph (3A) of this paragraph applies, to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months or to both;
 - (b) in any other case, to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.
- (3A) This sub-paragraph applies to—
- (a) any offence under sub-paragraph (1) of this paragraph where the entertainment provided is entertainment in respect of which a licence is required under paragraph (1) of this Schedule; and
 - (b) any offence under sub-paragraph (2) of this paragraph where the licence held is a licence granted under that paragraph and the term, condition or restriction which is contravened imposes a limit on the number of persons who may be present at the entertainment,
- but excluding (in each case) any offence which would not be an offence if section 3 of the Greater London Council (General Powers) Act 1978 (premises used for public entertainment consisting wholly or partly of human posing deemed to be premises used for public dancing) had not been enacted.
- (4) If the holder of a licence under the said paragraph 1, 3A or 4 is convicted by virtue of sub-paragraph (2)(a) of this paragraph, then, subject to paragraph 19 of this Schedule, the Council may revoke the licence.
- (4A) Where a person is convicted by a court of an offence under sub-paragraph (2) of this paragraph in relation to a licence granted under paragraph 1 of this Schedule in respect of any premises, the court may revoke the licence if satisfied that—
- (a) there is a serious problem relating to the supply or use of controlled drugs at the premises or at any premises nearby which are controlled by the holder of the licence; and
 - (b) it will significantly assist in dealing with the problem to revoke the licence.
- (4B) The standard of proof for the purposes of sub-paragraph (4A) of this paragraph is that applicable in civil proceedings and in that sub-paragraph “premises” includes any place.
- (5) Where an offence under sub-paragraph (1) or (2) of this paragraph committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (6) Where the affairs of a body corporate are managed by its members, sub-paragraph (5) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- 11 Where, in the case of any premises in respect of which a licence under paragraph 1 of this Schedule is for the time being in force, a special order of exemption on any special occasion has been granted in respect of those premises under section 107 of the Licensing Act 1953, no person shall be guilty of an offence under paragraph 10(2) of this Schedule by reason only of those premises being kept open on that special occasion for any of the purposes authorised by the licence after the latest hour so authorised but not later than the hour specified in that special order as the hour for closing.
- 12 (1) A police constable or any person appointed for the purpose by the Council or the fire authority may at all reasonable times enter any premises in respect of which a licence under paragraph 1, 3A or 4 of this Schedule is for the time being in force at which he has reason to believe that an entertainment to which any of these paragraphs applies is being or is about to be given with a view to seeing whether the provisions of this Schedule applicable to that entertainment and the terms, conditions or restrictions on or subject to which the licence is held are complied with.
- (2) A police constable or any person appointed as aforesaid may, if authorised in that behalf by a warrant granted by a justice of the peace, enter any premises in respect of which he has reason to suspect that an offence under this Schedule is being committed.
- (3) Any person who refuses to permit any such constable or person to enter or inspect any premises in accordance with the provisions of this paragraph shall for every such refusal be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- 12A The provisions of paragraphs 12B and 12C of this Schedule shall have effect in Greater London other than in the outer London boroughs.
- 12B (1) Subject to sub-paragraph (2) of this paragraph, the court by or before which a person is convicted of an offence under sub-paragraph (1) or (2) of paragraph 10 of this Schedule may order any thing produced to the court, and shown to the satisfaction of the court to relate to the offence, to be forfeited and dealt with in such manner as the court may order.
- (2) The court shall not order any thing to be forfeited under the foregoing sub-paragraph where a person claiming to be the owner of or otherwise interested in it applies to be heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.
- 12C A constable or any person appointed for the purpose by the Council who enters any premises under the authority of a warrant granted under sub-paragraph (2) of paragraph 12 of this Schedule may seize and remove any apparatus or equipment or other thing whatsoever found on the premises which he has reasonable cause to believe may be liable to be forfeited under paragraph 12B of this Schedule.

Provisional grant of licences

- 17 (1) Where application is made to the Council for the grant of a licence under paragraph 1, 3A or 4 of this Schedule in respect of premises which are to be, or are in the course of being, constructed, extended or altered and the Council are satisfied that the premises would, if completed *** in accordance with the requirements of the Council, be such that the Council would grant the licence, the Council may grant

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

the licence subject to a condition that it shall be of no effect until confirmed by the Council.

- (2) The Council shall, on an application being made for the appropriate variation of the licence, confirm any licence granted by virtue of the foregoing sub-paragraph if and when they are satisfied that the premises have been completed in accordance with the *** requirements aforesaid, or in accordance with those *** requirements as modified by the Council, and that the licence is held by a fit and proper person.

Variation of licences

- 18 The holder of a licence in respect of any premises granted under paragraph 1, 3A or 4 of this Schedule may at any time apply to the Council for such variations of the terms, conditions or restrictions on or subject to which the licence is held as may be specified in the application; and, subject to paragraph 19 of this Schedule, on any such application the Council may make such variations in any of those terms, conditions or restrictions, whether or not those specified in the application, as they think appropriate or may refuse the application.
- 18A The person making an application for the variation of a licence under paragraph 18 of this Schedule shall on making the application pay to the Council such reasonable fee as the Council may fix.

Appeals

- 19 (1) Any of the following persons, that is to say—
- (a) an applicant for—
 - (i) the grant, renewal or transfer of a licence in respect of any premises under paragraph 1, 3A or 4 of this Schedule; or
 - (iii) the variation of the terms, conditions or restrictions on or subject to which any such licence as aforesaid is held,whose application is refused;
 - (b) the holder of any such licence as aforesaid whose licence is revoked by the Council or who is aggrieved by any term, condition or restriction on or subject to which the licence is held,
- may at any time before the expiration of the relevant period, appeal to a magistrates' court acting for the petty sessions area in which the premises are situated; and the court may make such order as it thinks fit and, subject to sub-paragraph (2) of this paragraph, that order shall be binding on the Council.
- (1A) In this paragraph “relevant period” means the period of twenty-one days beginning with the date when the person in question is notified of—
- (a) the refusal of his application;
 - (b) the revocation of his licence; or
 - (c) the imposition of the term, condition or restriction by which he is aggrieved;
- but in a case where a decision is made under paragraph 2A(5) or 9A(4) of this Schedule means the date on which the person in question is notified of the decision.
- (2) Any person aggrieved by the order of a magistrates' court under sub-paragraph (1) of this paragraph or under paragraph 10(4A) of this Schedule may appeal therefrom to the Crown Court.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (3) Subject to paragraph 19AA of this Schedule, where any such licence as aforesaid is revoked under paragraph 10(4) of this Schedule or an application for the renewal of a licence under the said paragraph 1, 3A or 4 is refused, otherwise than on the ground specified in paragraph 2A(2) of this Schedule, the licence shall be deemed to remain in force—
- (a) during any period within which an appeal under this paragraph may be brought and, if such an appeal is brought within the relevant period, until the determination or abandonment of the appeal; and
 - (b) where such an appeal relating to such a refusal as aforesaid is successful and no further such appeal is available, until the licence is renewed by the Council.
- (3A) A court which revokes a licence under paragraph 10(4A) of this Schedule may, if in the particular circumstances it would be unfair not to do so, order that the licence shall remain in force—
- (a) during the period within which an appeal against the revocation may be brought; and
 - (b) if such an appeal is duly brought, until the determination or abandonment of the appeal.
- (4) In the case of an appeal in relation to an application of which, in accordance with paragraph 2(1), 3B(1) or 5(1) of this Schedule, notice was required to be given to a commissioner of police, notice of that appeal shall be given to that commissioner as well as to any other person to whom it is required to be given apart from this sub-paragraph.
- (5) Where any licence is renewed under paragraph 1, 3A or 4 of this Schedule and the Council specify any term, condition or restriction which was not previously specified in relation to that licence, the licence shall be deemed to be free of it until the time for bringing an appeal under this paragraph has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.
- 19AA (1) The following provisions of this paragraph shall have effect as respects cases where an appeal under paragraph 19 of this Schedule is brought, within the period for doing so, against the revocation of a licence (“a revocation case”) or against the refusal of an application for renewal of a licence (“a refusal case”).
- (2) If the appeal is not determined before the prospective expiry date, the licence shall not be deemed to remain in force under paragraph 19(3) of this Schedule after that date, and the appeal shall be deemed to be abandoned on that date, unless before then—
 - (a) in a revocation case, the appellant makes an application for the renewal of the licence for a period of twelve months starting on the day following the prospective expiry date;
 - (b) in a refusal case the appellant pays the council a continuation fee.
 - (3) Where a continuation fee is paid in pursuance of sub-paragraph (2)(b) of this paragraph, the appellant’s refused application for renewal shall be deemed to be an application for renewal for a period of twelve months starting on the day following the prospective expiry date.
 - (4) If the appeal is not determined before the date of the expiry of the renewal period under sub-paragraph (2)(a) or (3) of this paragraph, as the case may be, the licence shall not be deemed to remain in force under paragraph 19(3) of this Schedule after

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

that date, and the appeal shall be deemed to be abandoned on that date, unless before then the appellant pays the council a continuation fee or, as the case may be, a further continuation fee.

- (5) Where a continuation fee or a further continuation fee is paid in pursuance of sub-paragraph (4) of this paragraph, the appellant’s application for renewal or, as the case may be, refused application for renewal shall be deemed to be an application for renewal for a period starting on the day following the date of the expiry of the renewal period under sub-paragraph (2)(a) or, as the case may be, sub-paragraph (3) of this paragraph.
- (6) A deemed application for renewal under sub-paragraph (5) shall be for a period expiring—
- (a) where the appeal is withdrawn, on the date of withdrawal;
 - (b) where the appeal is unsuccessful—
 - (i) if a further appeal is available but is not made within the period for doing so, on the date of the expiry of that period;
 - (ii) if no further appeal is available, on the date of the decision of the court;
 - (c) where the appeal is successful, on the day before the date of the next anniversary of the beginning of the period; provided that where the period, at the time of the decision of the court, has been running for more than twelve months, the court may specify an earlier date.
- (7) In this paragraph—
- “the prospective expiry date” means—
- (a) in a revocation case, the date on which the licence would have expired if it had not been revoked; and
 - (b) in a refusal case, the date of the expiry of the period in respect of which the refused application for renewal of the licence was made;
- “a continuation fee” is a fee of the same amount as the fee payable in respect of an application for renewal of a licence.

Interpretation

- 19A In this Schedule “controlled drugs” has the same meaning as in the Misuse of Drugs Act 1971.”

SCHEDULE 2

Section 48.

AMENDMENTS TO SECTION 4 (PENALTY CHARGE NOTICES UNDER PART II) OF AND SCHEDULE 1 (ENFORCEMENT NOTICES, ETC., UNDER PART II (BUS LANES) OF THIS ACT) TO THE LONDON LOCAL AUTHORITIES ACT 1996

- 1 In subsection (2) of section 4, after “with respect to a vehicle” the words “, by the owner of the vehicle,” are inserted.
- 2 In paragraph 1 of Schedule 1—
- (a) in sub-paragraph (1)(a) the words “or paragraph 4(1) below” are left out;
 - (b) at the end of sub-paragraph (b) the word “and” is left out;
 - (c) sub-paragraph (1)(c) is left out;

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (d) at the end of sub-paragraph (i) the word “or” is left out;
 - (e) paragraph (ii) is left out.
- 3 In paragraph 2 of Schedule 1—
- (a) in the heading the words “penalty charge notice or” are left out;
 - (b) in sub-paragraph (1) the words “a penalty charge notice has been served under section 4 (Penalty charge notices under Part II) of this Act, or paragraph 4(1) below or a person on whom” are left out;
 - (c) in sub-paragraph (3) the words “penalty charge notice or” are left out;
 - (d) in sub-paragraph (4)(a) the words from the beginning to “enforcement notice was served” are left out;
 - (e) after sub-paragraph (4)(b) insert “; or”;
 - (f) the following sub-paragraph is substituted for sub-paragraph (4)(c)—
 - “(c) that at the time the alleged breach of such order or regulations took place the person who was in control of the vehicle was in control of the vehicle without the consent of the owner.”;
 - (g) sub-paragraphs (7), (8) and (9) are left out.
- 4 In sub-paragraphs 3(1)(a) and 3(1)(b) of Schedule 1 the words “penalty charge notice or” are left out.
- 5 In sub-paragraph 3(2) of Schedule 1 the words “a penalty charge notice or” where they appear the first time are replaced by the word “an”.
- 6 Paragraph 4 of Schedule 1 is left out.
- 7 In paragraph 8 of Schedule 1—
- (a) in sub-paragraph (1) the words “a penalty charge notice or” are replaced by the word “an”;
 - (b) sub-paragraph (2) is left out.
- 8 In paragraph 11 of Schedule 1 the words “a penalty charge notice or” are replaced by the word “an”.