

SCHEDULES

SCHEDULE 1

Section 13

REGULATIONS UNDER SECTION 13

PART 1

LICENCES FOR THE PURPOSES OF THE SECTION

Introductory

- 1 This Part has effect in relation to regulations under section 13(7) about licences for the purposes of section 13.

Licensing authority

- 2 Regulations shall provide for the licensing authority to be—
- (a) a local authority, or
 - (b) the appropriate national authority.
- 3 Where the licensing authority is a local authority, regulations may require the licensing authority to have regard in carrying out its functions under the regulations to such guidance as may be issued by the appropriate national authority.

Period of licence

- 4 Regulations may, in particular—
- (a) make provision about the period for which licences are to be granted;
 - (b) make provision, in connection with the death of the holder of a licence, for the continuation in force of the licence for such period and subject to such conditions as the regulations may provide.
- 5 Regulations may not provide for licences to be granted for a period of more than 3 years.

Exercise of licensing functions

- 6 Regulations may, in particular—
- (a) require a licensing authority not to grant a licence unless satisfied as to a matter specified in the regulations;
 - (b) require a licensing authority to have regard, in deciding whether to grant a licence, to a matter specified in the regulations.
- 7 Regulations shall make provision requiring a licensing authority not to grant a licence authorising the carrying on of an activity on specific premises unless the premises have been inspected as the regulations may provide.

Status: This is the original version (as it was originally enacted).

Grant of licence subject to conditions

- 8 (1) Regulations may, in particular, make provision for the grant of a licence subject to conditions.
- (2) Provision of the kind mentioned in sub-paragraph (1) may—
- (a) enable a licensing authority to attach conditions to a licence;
 - (b) require a licensing authority to attach to a licence conditions specified in the regulations.

Breach of licence condition

- 9 (1) Regulations may provide for breach of a condition of a licence to be an offence.
- (2) Regulations may not provide for an offence of breach of condition of a licence to be triable on indictment or punishable with—
- (a) imprisonment for a term exceeding 51 weeks, or
 - (b) a fine exceeding level 5 on the standard scale.
- (3) Regulations may provide that an offence of breach of condition of a licence is to be treated as a relevant offence for the purposes of section 23.
- (4) Regulations may apply a relevant post-conviction power in relation to conviction for an offence of breach of condition of a licence.

Appeals

- 10 Regulations may, in particular, make provision for appeals in relation to decisions of a licensing authority under the regulations.

Fees

- 11 Regulations may include provision for fees or other charges in relation to the carrying out of functions of the licensing authority under the regulations.

PART 2

REGISTRATION FOR THE PURPOSES OF THE SECTION

Introductory

- 12 This Part has effect in relation to regulations under section 13(7) about registration for the purposes of section 13.

Registering authority

- 13 Regulations shall provide for the registering authority to be—
- (a) a local authority, or
 - (b) the appropriate national authority.
- 14 Where the registering authority is a local authority, regulations may require the registering authority to have regard in carrying out its functions under the regulations to such guidance as may be issued by the appropriate national authority.

Exercise of registration functions

- 15 Regulations may, in particular—
- (a) require a registering authority not to register an applicant for registration unless satisfied as to a matter specified in the regulations;
 - (b) require a registering authority to have regard, in deciding whether to register an applicant for registration, to a matter specified in the regulations.

Appeals

- 16 Regulations may, in particular, make provision for appeals in relation to decisions of a registering authority under the regulations.

Fees

- 17 Regulations may include provision for fees or other charges in relation to the carrying out of functions of the registering authority under the regulations.

PART 3

SUPPLEMENTARY

- 18 Power to make regulations under section 13(7) includes power—
- (a) to make provision for purposes other than the purpose of promoting the welfare of animals for which a person is responsible;
 - (b) to make different provision for different cases or areas;
 - (c) to provide for exemptions from a provision of the regulations, either subject to specified conditions or without conditions.
- 19 (1) Power to make regulations under section 13 includes power to make incidental, supplementary, consequential or transitional provision or savings.
- (2) In the case of provision consequential on the repeal of an enactment specified in section 13(8), the power under sub-paragraph (1) includes power—
- (a) to amend or repeal an enactment;
 - (b) to make provision for the purpose of continuing the effect of an enactment repealed under paragraph (a).
- (3) The power under sub-paragraph (2)(b) includes power to provide that breach of a provision of the regulations is an offence, but does not include power to create an offence triable on indictment or punishable with—
- (a) imprisonment for a term exceeding 51 weeks, or
 - (b) a fine exceeding level 5 on the standard scale.