

SCHEDULES

SCHEDULE 2

Sections 3, 71.

APPLICATIONS FOR JUSTICES' LICENCES

- 1 A person proposing to apply at a licensing sessions for the grant of a new justices' licence, or for the ordinary or special removal or the transfer of a justices' licence, shall give the following notices:—
- (a) not less than twenty-one days before the day of the licensing sessions he shall give notice in writing to the clerk to the licensing justices, the chief officer of police and the proper local authority ;
 - (b) in the case of a transfer he shall give the like notice to the holder of the licence (if any), and in the case of a removal he shall give the like notice to the registered owner of the premises from which it is sought to remove the licence and the holder of the licence (if any) unless he is also the applicant;
 - (c) except in the case of a transfer, he shall—
 - (i) not more than twenty-eight days before the day of the licensing sessions display notice of the application for a period of seven days in a place where it can conveniently be read by the public on or near the premises to be licensed (or, in the case of an application for a provisional grant, on or near the proposed site of those premises); and
 - (ii) not more than twenty-eight days nor less than fourteen days before the day of the licensing sessions (and, if the licensing justices so require, on some day or days outside that period but within such other period as they may require) advertise notice of the application in a newspaper circulating in the place where the premises to be licensed are situated.
- 2 A person proposing to apply at transfer sessions for the renewal of a justices' licence shall give notice in accordance with sub-paragraph (a) of paragraph 1 of this Schedule.
- 3 With the notice given under sub-paragraph (a) of paragraph 1 of this Schedule to the clerk to the licensing justices there shall be deposited a plan of the premises to be licensed, if the application is—
- (a) for the grant of a new justices' on-licence or of an ordinary removal of a justices' on-licence; or
 - (b) for the provisional grant of a new justices' off-licence or of an ordinary removal of a justices' off-licence;
- and is not an application made in accordance with section 6(5) of this Act.
- 4 A notice under this Schedule—
- (a) shall be signed by the applicant or his authorised agent;
 - (b) shall state the name and address of the applicant and, except in the case of a removal of a licence held by him or of a renewal, his trade or calling during the six months preceding the giving of the notice;

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

- (c) shall state the situation of the premises to be licensed and, in the case of a removal, the premises from which it is sought to remove the licence;
 - (d) in the case of a new licence, shall state the kind of licence for which application is to be made.
- 5 The notice required by sub-paragraph (a) of paragraph 1 of this Schedule to be given to the proper local authority shall be given—
 - (a) if the premises to be licensed are in an urban parish, to the clerk to the rating authority;
 - (b) if those premises are in a borough included in a rural district, to the town clerk (as well as to the clerk to the rating authority);
 - (c) if those premises are in a rural parish, to the clerk to the parish council or, where there is no parish council, to the chairman of the parish meeting;and, in the case of a new licence or a removal, shall also be given to the authority discharging in the area where those premises are situated the functions of fire authority under the Fire Services Act 1947.
- 6 The clerk to the licensing justices shall for each licensing sessions keep a list of the persons giving notice under this Schedule of their intention to apply for the grant of a justices' licence; and the list shall show the name and address of the applicant, the nature of the application and the situation of the premises to be licensed, and for the fourteen days preceding the sessions shall at all reasonable times be open to inspection, by any person on payment of the appropriate fee (if any) and, without payment, by any officer of Customs and Excise.
- 7 Where the applicant for the grant of a justices' licence has, through inadvertence or misadventure, failed to comply with the requirements of the preceding paragraphs of this Schedule, the licensing justices may, upon such terms as they think fit, postpone consideration of his application ; and, if on the postponed consideration they are satisfied that any terms so imposed have been complied with, they may deal with the application as if the applicant had complied with those requirements.
- 8 On the consideration of an application for a justices' licence the applicant shall, if so required by the licensing justices, attend in person, and licensing justices may postpone consideration of an application until the applicant does so attend ; but he shall not be required to attend in the case of a renewal unless objection is made to the renewal.
- 9 Subsections (1), (3) and (4) of section 77 of the Magistrates' Courts Act 1952 (which provide for compelling the attendance of witnesses, etc.) shall apply in relation to licensing justices and to an application for the grant of a justices' licence as if they were a magistrates' court for the petty sessions area constituting the licensing district and the application were a complaint.