

SCHEDULES

SCHEDULE 6

Sections 40, 44, 92.

PROCEDURE ON APPLICATIONS AND COMPLAINTS RELATING TO REGISTRATION CERTIFICATES

PART I

ISSUE, RENEWAL AND SURRENDER OF REGISTRATION CERTIFICATES

Applications, etc.

- 1 (1) An application by a club for the issue, renewal or variation of a registration certificate shall be made by lodging the application, together with the number of additional copies required under paragraph 4 of this Schedule, with the clerk to the justices.
- (2) The court may, on such conditions as the court thinks fit, allow such an application to be amended.
- (3) An amended application shall be made by lodging with the clerk to the justices the original application or the relevant parts of it altered so as to show the amendments, together with the number of additional copies required under paragraph 4 of this Schedule.
- 2 A registration certificate shall be surrendered by lodging with the clerk to the justices a notice of surrender, together with the certificate and such number of additional copies of the notice as is required under paragraph 4 of this Schedule.
- 3 (1) Any such application or amended application and any such notice shall be signed by the chairman or by the secretary of the club.
- (2) In the absence of objection the court shall not require proof that an application or amended application purporting to be so signed is duly signed.
- 4 On receipt of any such application or amended application or of any such notice the clerk to the justices shall forthwith send a copy to any chief officer of police concerned and to the clerk of any local authority concerned, and the number of additional copies required to be lodged with the clerk is the number necessary to provide the copies the clerk needs for this purpose.
- 5 A club applying for the issue of a registration certificate for any premises, or for the renewal of a registration certificate in respect of different, additional or enlarged premises, shall give public notice of the application (identifying those premises and giving the name and address of the club) either—
 - (a) by displaying the notice on or near the premises, in a place where it can conveniently be read by the public, for the seven days beginning with the date of the application; or

- (b) by advertisement on one at least of those days in a newspaper circulating in the place where the premises are situated.

Objections, etc.

- 6 (1) Subject to sub-paragraph (2) of this paragraph, an objection to an application for the issue or renewal of a registration certificate shall be made by lodging with the clerk to the justices two copies in writing of the objection not later than twenty-eight days after the making of the application or, if the application is amended, after the making of the amended application.
- (2) If a magistrates' court extends the time allowed under section 45 of this Act to the chief officer of police, fire authority or local authority for inspecting premises to which the application relates, that court shall also extend the time in which the chief officer or authority may make objections to the application.
- 7 On receipt of an objection to an application for the issue or renewal of a registration certificate the clerk to the justices shall forthwith send a copy to the person signing the application at any address furnished by him for communications relating to the application or, in default of such an address, at the address given in the application as that of the club.
- 8 Paragraphs 6 and 7 of this Schedule shall apply in relation to any notice of intention, on an application for the issue, renewal or variation of a registration certificate, to make representations as to conditions relating to the sale of intoxicating liquor as they apply to objections to an application for the issue or renewal of a registration certificate (with the substitution of references to giving the notice for references to making the objection).
- 9 Where any such objection is made or any such notice is given, the magistrates' court may make such order as it thinks just and reasonable for the payment of costs to the club by the person making the objection or giving the notice or by the club to that person; and for purposes of enforcement the order shall be treated as an order for the payment of a sum enforceable as a civil debt.
- 10 Where a club applies for a renewal of a registration certificate, and the magistrates' court under paragraph 6(2) of this Schedule extends the time for any person to make objection to the application, the court may order that the certificate to be renewed shall not continue in force by virtue of section 40(5) of this Act beyond a date specified in the order.
- 11 (1) Subject to sub-paragraph (2) of this paragraph, an objection to an application for the issue or renewal of a registration certificate shall specify the ground of objection with such particulars as are sufficient to indicate the matters relied on to make it out.
- (2) Where objection is made to an application for the issue or renewal of a registration certificate on the ground that the application does not give the information required by this Act, or the information is incomplete or inaccurate, or the application is otherwise not in conformity with this Act, it shall be sufficient for the objection to state the ground as a matter of suspicion, and to indicate the reasons for the suspicion.
- 12 Where, on an objection to an application for the issue or renewal of a registration certificate, there appears to the court to be good reason to suspect that the application does not give the information required by this Act, or that the information is incomplete or inaccurate, or the application is otherwise not in conformity with this Act, it shall be for the applicant to satisfy the court that

the ground of objection cannot be made out, unless the applicant desires and is permitted to amend the application so as to remove the ground of objection.

PART II

COMPLAINT FOR CANCELLATION OR VARIATION OF REGISTRATION CERTIFICATE

- 13 (1) A summons issued on a complaint made against a club for the cancellation or variation of a registration certificate shall be served on the chairman or secretary of the club or the person who signed the last application for the issue or renewal of the certificate, and that service shall be treated as service on the club.
- (2) Any such summons shall, in addition to being served on the club, be served on such persons, if any, as the justices issuing the summons may direct.
- 14 Where it appears to a magistrates' court having jurisdiction to deal with any such complaint that the summons cannot be served on the club in accordance with paragraph 13 of this Schedule, or not without undue difficulty or delay, the court may order that service on the club may be effected by serving the summons on a person named in the order, being a person who appears to the court to have, or to have had, an interest in the club, or to be, or to have been, an officer of the club.
- 15 A complaint may be made against a club for the cancellation of a registration certificate on the ground that the club has not twenty-five members, notwithstanding that the complainant's case is that the club does not exist.

PART III

GENERAL

- 16 (1) A magistrates' court may deal with an application by a club for the issue, variation or renewal of a registration certificate without hearing the club, but—
- (a) before refusing such an application, or renewing a registration certificate for a shorter time than is requested in the application, shall give the club an opportunity to be heard ; and
 - (b) before renewing a registration certificate for a longer period than one year, may invite any chief officer of police or local authority concerned to make representations.
- (2) In relation to any such application sub-sections (1) and (3) of section 77 and section 98 of the Magistrates' Courts Act 1952 shall apply as they apply in relation to a complaint.
- 17 On any application or complaint made to a magistrates' court by or against a club under Part II of this Act, and on any appeal by a club under section 50 of this Act, the club, if not represented by counsel or a solicitor, shall be heard by the chairman or secretary, by any member of the committee having the general management of the affairs of the club or by any officer of the club duly authorised.
- 18 This Schedule, in so far as it relates to matters about which there is power to make rules under section 15 of the Justices of the Peace Act 1949, shall have effect subject to any rules so made after 3rd August, 1961.