

SCHEDULES

SCHEDULE 7

Section 30.

REGISTRATION UNDER PART III IN ENGLAND AND WALES

Introductory

- 1 Each licensing authority in England, or Wales shall, in respect of premises within the area of the authority as mentioned in paragraph 1 of Schedule 2 to this Act, be the authority responsible for the registration of clubs and institutes under Part III of this Act and for the renewal and cancellation of any such registration.
- 2 (1) Paragraph 2 of Schedule 2 to this Act shall have effect for the purposes of this Schedule as if in that paragraph references to a licence under this Act, to premises in respect of which such a licence is for the time being in force, and to an application relating to such a licence, were references respectively to registration under Part III of this Act, to premises in respect of which a club or institute is for the time being registered under Part III of this Act, and to an application relating to such registration.
(2) In this Schedule " institute " means a miners' welfare institute.

Application for registration

- 3 (1) An application for the registration of a club or institute under Part III of this Act may be made at any time, and shall be made to the clerk to the licensing authority in such form and manner as may be prescribed.
(2) Any such application shall specify the name, objects and address of the club or institute to which it relates and the premises in respect of which it is proposed that the club or institute should be registered, and shall contain such other particulars as may be prescribed.
(3) Not later than seven days after the date on which the application is made, the applicant shall send a copy of the application to the appropriate officer of police.

Application for renewal of registration

- 4 (1) An application for renewal of the registration of a club or institute under Part III of this Act shall be made not earlier than three months and not later than six weeks before the date on which the registration is due to expire, and shall be made to the clerk to the licensing authority in such form and manner as may be prescribed.
(2) The licensing authority may in any particular case entertain an application for renewal of registration under Part III of this Act made after the latest date on which the application could be made in accordance with sub-paragraph (1) of this paragraph if—
 - (a) they are satisfied that the failure to make the application before that date was due to inadvertence, and

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- (b) the application is made before the end of such extended period as the licensing authority may in that case allow.
- (3) Not later than seven days after the date on which any such application is made, the applicant shall send a copy of the application to the appropriate officer of police.

Proceedings on application for registration or renewal of registration

- 5 (1) On any application for the registration, or for renewal of the registration, of a club or institute under Part III of this Act, the licensing authority may register or renew the registration of the club or institute without hearing the applicant if no objection to the registration or renewal of registration has been made by or on behalf of the appropriate officer of police, or if any objection so made has been withdrawn.
- (2) Except as provided by the preceding sub-paragraph, on any such application the applicant and the appropriate officer of police shall be entitled to be heard either in person or by counsel or a solicitor.
- 6 (1) A licensing authority may from time to time adjourn the consideration of any application for the registration or for renewal of the registration of a club or institute under Part III of this Act.
- (2) On the consideration of any such application, a licensing authority may take evidence on oath, and, if the appropriate officer of police has made an objection which has not been withdrawn, may make such order as they think fit for the payment of costs—
 - (a) by the applicant to that officer, or
 - (b) by that officer to the applicant.

Grounds for refusal to register or to renew registration

- 7 The licensing authority shall refuse to register, or to renew the registration of, a club or institute under Part III of this Act if it appears to them that the relevant premises are premises which (for whatever purposes) are frequented wholly or mainly by persons under eighteen.
- 8 The licensing authority may refuse to register or to renew the registration of a club under Part III of this Act if it appears to the authority that the club—
 - (a) is not a bona fide members' club, or
 - (b) has less than twenty-five members, or
 - (c) is of a merely temporary character.
- 9 The licensing authority may refuse to renew the registration of a club or institute under Part III of this Act on the grounds that a person has been convicted of an offence under this Act in respect of a contravention, in connection with the relevant premises, of any of the provisions of Parts I to III of this Act or of any regulations made thereunder.
- 10 The licensing authority may refuse to register a club or institute under Part III of this Act where the club or institute has previously been so registered and either—
 - (a) its registration has been cancelled, or
 - (b) an application for renewal of that registration has been refused.

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Appeal by applicant

- 11 (1) Where on an application under this Schedule the licensing authority refuse to register or renew the registration of a club or institute under Part III of this Act, the clerk to the licensing authority shall forthwith give notice of the decision of the authority to the applicant; and, within fourteen days from the date of service of that notice, the applicant may, by notice to the clerk to the authority, appeal against the decision to a court of quarter sessions having jurisdiction in the authority's area.
- (2) As soon as practicable after receiving notice of appeal against such a decision of the licensing authority, the clerk to the authority shall send the notice to the clerk of the peace together with a statement of the decision against which the appeal is brought and of the name and last-known residence or place of business of the appellant.
- (3) On receipt of the notice of appeal, the clerk of the peace shall enter the appeal and give in writing to the appellant, to the appropriate officer of police and to the licensing authority not less than seven days' notice of the date, time and place appointed for the hearing of the appeal.
- (4) The court of quarter sessions may by its order allow or dismiss the appeal and may deal with the application as if it had been made to the court of quarter sessions in the first instance ; and the judgment of the court of quarter sessions on the appeal shall be final.
- (5) A justice shall not act in the hearing or determination of an appeal under this paragraph from any decision in which he took part.
- 12 Paragraph 30 of Schedule 2 to this Act shall have effect in relation to appeals under the last preceding paragraph as it has effect in relation to appeals under paragraph 29 of that Schedule.

Cancellation of registration

- 13 (1) Subject to the following provisions of this paragraph, an application for cancellation of the registration of a club or institute under Part III of this Act may be made at any time by the appropriate officer of police to the clerk to the licensing authority.
- (2) Any such application shall be made in the prescribed form and manner and shall be accompanied by two copies of a statement of the grounds on which the application is made.
- 14 Where such an application has been made and not withdrawn, the clerk to the licensing authority shall give to the appropriate officer of police and to the chairman or secretary of the club or institute not less than twenty-one days' notice in writing of the date, time and place appointed for the consideration of the application by the authority, and shall send to the chairman or secretary of the club or institute together with that notice a copy of a statement by the appropriate officer of police of the grounds on which the application is made.
- 15 At any meeting of the licensing authority to consider such an application, the appropriate officer of police and the chairman or secretary of the club or institute shall be entitled to be heard either in person or by counsel or a solicitor.
- 16 A licensing authority may from time to time adjourn the consideration of any application for cancellation of the registration of a club or institute under Part III of this Act.

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- 17 On the consideration of any such application, a licensing authority may take evidence on oath and may make such order as they think fit for the payment of costs—
- (a) by the appropriate officer of police to the chairman or secretary of the club or institute, or
 - (b) by the chairman or secretary of the club or institute to the appropriate officer of police.
- 18 On any such application the licensing authority may cancel the registration of the club or institute under Part III of this Act if they are satisfied—
- (a) that the relevant premises are frequented wholly or mainly by persons under eighteen, or
 - (b) that, in the case of a club, the club is not a bona fide members' club, or has less than twenty-five members, or is of a merely temporary character, or
 - (c) that a person has been convicted as mentioned in paragraph 9 of this Schedule,
- and (in any such case) that in the circumstances the registration ought to be cancelled.
- 19 If on the consideration of any such application the licensing authority decide to cancel the registration, the cancellation—
- (a) shall not take effect until the time within which the chairman or secretary of the club or institute can appeal against that decision has expired, and
 - (b) if he so appeals, shall not take effect until the appeal has been determined or abandoned.
- 20 (1) Where on any such application the licensing authority decide to cancel the registration, the clerk to the licensing authority shall forthwith give notice of the decision to the chairman or secretary of the club or institute ; and, within fourteen days from the date of service of that notice, the chairman or secretary may, by notice to the clerk to the licensing authority, appeal against the decision to a court of quarter sessions having jurisdiction in the authority's area.
- (2) Sub-paragraphs (2) to (5) of paragraph 11 of this Schedule, and the provisions applied by paragraph 12 of this Schedule, shall have effect in relation to cancellation of the registration of a club or institute under Part III of this Act as they have effect in relation to refusal to register a club or institute.

Issue and duration of registration certificate

- 21 Where on an application under this Schedule a club or institute is registered, or the registration of a club or institute is renewed, under Part III of this Act, the licensing authority shall issue to the applicant a certificate to that effect, which shall be in the prescribed form.
- 22 Subject to the following provisions of this Schedule, and without prejudice to the provisions of this Schedule as to cancellation, the registration of a club or "institute under Part III of this Act—
- (a) if not renewed, shall cease to have effect at the end of the period of five years beginning with the date of registration, or
 - (b) if renewed, shall, unless further renewed, cease to have effect at the end of the period of five years beginning with the date on which it was renewed or last renewed, as the case may be.

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- 23 (1) Where an application for renewal of the registration of a club or institute under Part III of this Act has been duly made, the registration shall not cease to have effect by virtue of the last preceding paragraph until the licensing authority have determined the application.
- (2) Where, on such an application, the licensing authority refuse to renew the registration, it shall not cease to have effect by virtue of the last preceding paragraph before the time within which the applicant can appeal against the refusal has expired, and, if he so appeals, shall not cease to have effect by virtue of that paragraph until the appeal has been determined or abandoned.

Payment of fees

- 24 Notwithstanding anything in the preceding provisions of this Schedule, a club or institute shall not be registered under Part III of this Act, and the registration of a club or institute thereunder shall not be renewed, except on payment by the applicant to the clerk to the licensing authority of the fee chargeable in accordance with section 48 of this Act.

Relinquishment of registration

- 25 (1) A club or institute registered under Part III of this Act may at any time relinquish its registration by notice given to the clerk to the licensing authority by the chairman or secretary of the club or institute ; and, where such a notice is given, the registration of the club or institute under Part III of this Act shall thereupon be treated as cancelled.
- (2) Where the registration of a club or institute is relinquished under this paragraph, the clerk to the licensing authority shall give notice of that fact to the appropriate officer of police.