



Licensing (Occasional Permissions) Act 1983

1983 CHAPTER 24

1 Grant of occasional permissions.

- (1) Licensing justices may, if satisfied as to the matters mentioned in subsection (2) below, grant to an officer of an eligible organisation or of a branch of such an organisation a permission (referred to in this Act as an occasional permission) authorising him to sell intoxicating liquor during a period not exceeding twenty-four hours at a function held by the organisation or branch in connection with the organisation's activities.
- (2) The matters as to which the licensing justices must be satisfied are—
 - (a) that the officer is a fit and proper person to sell intoxicating liquor and is resident in their licensing district;
 - (b) that the place where the function is to be held will be a suitable place for intoxicating liquor to be sold and is situated in that district; and
 - (c) that the sale of intoxicating liquor at the function is not likely to result in disturbance or annoyance being caused to residents in the neighbourhood of that place, or in any disorderly conduct.
- (3) An occasional permission shall be in writing and shall specify—
 - (a) the place where intoxicating liquor may be sold by virtue of the permission ;
 - (b) the kind or kinds of intoxicating liquor that may be sold there by virtue of the permission ; and
 - (c) the hours between which such liquor may be so sold and the date (or dates) on which those hours fall;and the licensing justices may attach to the permission any condition that they think proper.
- (4) Not more than four occasional permissions may be granted in a licensing district in any period of twelve months in respect of functions held by the same organisation or branch.

- (5) An occasional permission shall not authorise the sale of intoxicating liquor on a Sunday in a district in Wales or Monmouthshire to which section 66(1) of the principal Act for the time being applies.
- (6) In this section " eligible organisation " means any organisation not carried on for purposes of private gain; and, except in the case of an organisation carrying on a commercial undertaking, a purpose which is calculated to benefit an organisation as a whole shall not be taken to be a purpose of private gain by reason only that action in fulfilment of the purpose would result in benefit to any person as an individual.

2 Applications for occasional permissions.

- (1) An application for an occasional permission shall be in writing and shall contain the following particulars—
 - (a) the name and address of the applicant and the date and place of his birth ;
 - (b) the name of the organisation in connection with whose activities the function in question is to be held, the purposes for which the organisation is carried on, and (where appropriate) the name of the branch holding the function;
 - (c) the nature of the applicant's office in the organisation or branch holding the function ;
 - (d) the date and nature of the function and the place where it is to be held ;
 - (e) the kind or kinds of intoxicating liquor proposed to be sold at the function and the hours between which it is proposed that such liquor should be sold ;
 - (f) details of any occasional permissions granted by the licensing justices in the twelve months preceding the date of the application in respect of functions held by the organisation or branch holding the function.
- (2) An application for an occasional permission shall be made by serving two copies of the application on the clerk to the licensing justices not less than one month before the date of the function in respect of which the application is made.
- (3) On receiving an application under subsection (2) above the clerk shall serve notice of the application on the chief officer of police by sending him a copy of it.
- (4) An application for an occasional permission shall be heard by the licensing justices at the next licensing sessions following its receipt by the clerk or, where those sessions are to be held fifteen days or less after its receipt, at the licensing sessions next following those sessions.
- (5) The clerk shall send to an applicant notice of the date, time and place of the licensing sessions at which his application is to be heard in accordance with subsection (4) above; and the list kept for those sessions under paragraph 6 of Schedule 2 to the principal Act shall show the name and address of the applicant, the nature of the application and the place where the function in question is to be held.
- (6) On the consideration of an application for an occasional permission the applicant shall, if so required by the licensing justices, attend in person, and licensing justices may postpone consideration of such an application until the applicant does attend.
- (7) Subsections (1), (3) and (4) of section 97 of the Magistrates' Courts Act 1980 (summons to witness and warrant for his arrest) shall apply in relation to licensing justices and to an application for an occasional permission as if they were a magistrates'

court for the petty sessions area constituting the licensing district and the application were a complaint.

3 Offences.

The Schedule to this Act (which provides for offences in relation to occasional permissions and applications for such permissions, and in relation to the conduct of premises where the sale of intoxicating liquor is authorised by such permissions) shall have effect.

4 Interpretation and other supplementary provisions.

(1) In this Act—

" occasional permission " means a permission granted under section 1 above;

" organisation" includes any society, club, institution or association of persons ;

" the principal Act" means the Licensing Act 1964.

(2) The following provisions of the principal Act, namely—

- (a) section 2 (licensing justices and districts);
- (b) section 29 (fees);
- (c) sections 192 and 193 (jurisdiction and disqualification of justices);
- (d) section 197 (service of notices, etc.);
- (e) section 201 (interpretation),

shall have effect as if the provisions of this Act were contained in that Act.

(3) In section 160 of the principal Act (selling liquor without a licence)—

- (a) in subsection (1) there shall be inserted after the words " canteen licence " , in both places, the words " or occasional permission", and after the words " that licence " the words " or permission " ; and
- (b) after subsection (6) there shall be inserted—

“(7) In subsection (1) of this section " occasional permission" means a permission granted under the Licensing (Occasional Permissions) Act 1983.”

(4) In section 202 of that Act (application to Isles of Scilly), in subsection (1)(b), after the words " Part III of this Act" there shall be inserted the words " , under the Licensing (Occasional Permissions) Act 1983 " .

5 Short title, commencement and extent.

(1) This Act may be cited as the Licensing (Occasional Permissions) Act 1983.

(2) This Act shall come into force at the end of the period of three months beginning with the day on which it is passed.

(3) This Act shall extend to England and Wales only.