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SCHEDULES.

SIXTH SCHEDULE

PART II

PROVISIONS AS TO CERTIFICATES UNDER THE LICENSING (SCOTLAND)
ACTS, 1903 TO 1934, IN SUSPENSE BY REASON OF WAR CIRCUMSTANCES.

Restoration to full force of certificates in suspense.

- 1 Subject to the provisions of the next succeeding paragraph as to certificates for inns and hotels or public houses in cases in which it is certified that the war circumstances included the destruction of the premises or serious damage thereto, where after the passing of this Act the holder of a certificate which is for the time being in suspense desires to resume the business carried on in the premises in respect of which it was granted, he may give notice in writing to that effect to the clerk of the licensing court, and from the time of his giving such notice the certificate shall be in force for all purposes.
- 2 In such a case as aforesaid, before a notice for the purposes of the preceding paragraph is given as respects a certificate for an inn and hotel or a public house, plans of such works as are reasonably necessary to secure the proper conduct of the business must have been submitted to the licensing court and approved by them, and the licensing court must have signified their satisfaction that the works have been executed in accordance with the plans approved.
- 3 Where a certificate is deemed to have been in suspense but the business carried on in the premises in respect of which it was granted has been resumed before the passing of this Act, the certificate shall be deemed to have been in force for all purposes from the time of the resumption of the business unless it had previously been forfeited or become null and void under the Licensing Acts.
- 4 Where a removal of a certificate for the time being in suspense is authorised, it shall be in force for all purposes from the time of the authorisation of the removal, and where the holder of a certificate removal of which has been authorised desires to resume business in the premises specified in the certificate he may give notice in accordance with the foregoing provisions of this Part of this Schedule in like manner as if the certificate were still in suspense and the said provisions shall apply accordingly.
- 5 A certificate in force for all purposes after being in suspense shall, unless previously forfeited or becoming null and void under the Licensing Acts, be and be deemed to have been in force until the twenty-eighth day of May next following the first April half yearly meeting of the licensing Court after the time when the certificate ceased to be in suspense.

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Extinguishment of certificate remaining in suspense when suspension no longer justified.

- 6 Where the licensing court are satisfied as respects any certificate which is for the time being in suspense that there are no longer any war circumstances which justify its continuing to be in suspense, they may by order direct that it shall be extinguished at the expiration of such period as may be specified in the order unless it is again in force for all purposes by virtue of the preceding provisions of this Part of this Schedule before the expiration of that period.
- 7 If His Majesty by Order in Council declares that there are in general no longer any war circumstances which justify certificates continuing to be in suspense, every certificate in suspense at the date of the Order in Council shall be extinguished at the expiration of such period as may be specified therein unless it is again in force for all purposes by virtue of the preceding provisions of this Part of this Schedule before the expiration of that period.
- 8 The licensing court may, if application is made to them in that behalf, extend the period specified in an order made by them under paragraph 6 of this Part of this Schedule or, in relation to any particular certificate, the period specified in an Order in Council made under the last preceding paragraph.

Renewal of certificates in suspense.

- 9 The provisions of the Licensing Acts with regard to renewal of certificates shall apply with any necessary modifications in relation to certificates which are at any time after the passing of this Act in suspense in like manner as those provisions apply to certificates which are in force for all purposes, and in a case in which it is certified that the war circumstances included the destruction of the premises or serious damage thereto, no regard shall be had for the purposes of this paragraph to the condition of the certificated premises.

Provisions as to removal of certificates.

- 10 (1) Where the premises specified in any certificate which is for the time being in suspense have been destroyed or seriously damaged or have been taken possession of on behalf of His Majesty in the exercise of emergency powers, it shall be lawful for the licensing court to authorise a removal of the certificate from the premises specified therein to other premises within their district (not being premises situated in an area in which a no-licence or a limiting resolution is in force) and where a removal is so authorised the certificate shall have effect as if those premises had been specified in it in lieu of the premises which have been so destroyed or damaged or taken possession of.
- (2) A removal to any premises under this paragraph shall not be authorised unless—
- (i) the licensing court are satisfied that no reconstruction or alteration of the premises is necessary to secure the proper conduct of the business ; or
 - (ii) plans of such works as are reasonably necessary for the said purpose have been submitted to the licensing court and approved by them and the licensing court have signified their satisfaction that the works have been executed in accordance with the plans approved.
- (3) A removal of a certificate authorised in pursuance of this paragraph shall cease to have effect on notice being given in pursuance of paragraph 4 of this Part of this Schedule.

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Appeals.

- 11 The provisions of section twenty-two of the Licensing (Scotland) Act, 1903, as to appeal against a refusal of a licensing court to grant a renewal of a certificate shall have effect with the requisite modifications in relation to a refusal of a licensing court to authorise a removal of a certificate or to approve plans or to signify their satisfaction as to the execution of works under paragraph 2 or paragraph 10 of this Part of this Schedule, and in relation to an order under paragraph 6 of this Part of this Schedule, and in relation to a refusal of a licensing court to grant an application under paragraph 8 thereof, and the provisions of section twenty-one of the said Act shall apply in relation to any appeal in pursuance of this paragraph.

General.

- 12 Any power exercisable by a licensing Court under the provisions of this Schedule may be exercised at a general half yearly meeting or at any adjournment thereof or at another meeting specially convened for the purpose, and the powers conferred by paragraph 2 or 10 of this Part of this Schedule to signify satisfaction of works having been executed in accordance with plans approved may be exercised by any two members of the licensing court nominated by the court for the purpose and any decision by such two members shall be deemed to be a decision of the licensing court.

Interpretation.

- 13 In this Part of this Schedule the expression " the Licensing Acts " means the Licensing (Scotland) Acts, 1903 to 1934, and expressions used in this Part of this Schedule and in those Acts have the same meaning as in those Acts, and the expression " certificate " means a certificate as defined in Part VII of the Licensing (Scotland) Act, 1903.