STATUTORY INSTRUMENTS

1982 No. 1837

LICENSING (LIQUOR)

The Licences in Suspense (Extinguishment) Order 1982

Made - - - - - 22*nd December* 1982

Coming into Operation 1*st January* 1983

At the Court at Buckingham Palace, the 22nd day of December 1982

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 134(2) and 143(2) of the Licensing Act 1964**(a)**, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Licences in Suspense (Extinguishment) Order 1982 and shall come into operation on 1st January 1983.

(2) In this Order "the Act" means the Licensing Act 1964.

2.—(1) It is hereby declared that there are in general no longer any war circumstances that justify justices' licences continuing to be in suspense.

(2) The period referred to in section 134(2) of the Act (being the period at the expiry of which every licence in suspense at the date of this Order by virtue of section 132 of the Act shall be extinguished unless it is again in force for all purposes by virtue of section 133 of the Act before the expiry of that period) shall be one year beginning with the date of the coming into operation of this Order.

3.—(1) It is hereby declared that the removal of licences as mentioned in paragraph (*b*) of subsection (1) of section 141 of the Act is in general no longer prevented as mentioned in that paragraph.

(2) The period referred to in section 143(2) of the Act (being the period at the expiry of which every licence mentioned in paragraph (*b*) of subsection (1) of section 141 of the Act, in suspense at the date of this Order by virtue of section 141(4) of the Act, shall be extinguished unless it is again in force for all purposes before the expiry of that period) shall be five years beginning with the date of the coming into operation of this Order.

N. E. Leigh,
Clerk of the Privy Council.

(a) 1964 c. 26.

EXPLANATORY NOTE

(This Note is not part of the Order.)

Section 132 of the Licensing Act 1964 provides that a justices' licence shall be in suspense if the Commissioners of Customs and Excise certify that the business in respect of which it was granted has been temporarily discontinued by reason of war circumstances. Under section 133 the holder of a licence in suspense may bring it back into full force by giving notice to the licensing justices and, in the case of on-licensed premises which have been destroyed or seriously damaged, satisfying them that necessary works have been done.

By virtue of section 134(2) Her Majesty may, by Order in Council, declare that there are in general no longer any war circumstances that justify justices' licences continuing to be in suspense. The Order may specify a period at the expiry of which licences in suspense will be extinguished if not previously revived. This Order makes such a declaration and specifies the period of one year from its coming into operation as the period after which licences in suspense will be extinguished. Section 134(3) provides that licensing justices may extend this period in relation to a particular licence if an application is made.

In addition the Order specifies, under section 143(2), a period of five years following which licences suspended on account of the compulsory acquisition or proposed compulsory acquisition of the licensed premises will be extinguished. The Order contains a declaration that the removal of such licences is in general no longer prevented by the limitations on such removals in licensing planning areas contained in section 123(2). Almost all licensing planning areas have now been abolished. Licensing justices may extend the specified period in relation to a particular licence.

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