STATUTORY INSTRUMENTS

1961 No. 2477

LICENSING (LIQUOR)

The Licensing Rules, 1961

Made-- - - - 21*st December*, 1961
Coming into Operation 4*th January*, 1962

In exercise of the powers conferred on me by subsection (1) of section one hundred and five of the Licensing Act, 1953(a), as extended by subsection (6) of section five of the Licensing Act, 1961(b), I hereby make the following Rules:—

Orders under section 5 of the Licensing Act, 1961

1. Where the licensing justices intend to consider any proposal to make or vary any order under subsection (3) or (4) of section five of the Licensing Act, 1961 (which relates to the permitted hours for licensed premises and clubs generally), the clerk to the licensing justices shall cause a notice thereof in Form 1, as set out in the Schedule to these Rules, or a form to the like effect, to be published in two newspapers circulating in the licensing district, and, if the justices think fit, in such further manner as they may direct.

2. Upon the consideration of any proposal referred to in the preceding Rule, the justices shall take such steps as seem to them fit for the purpose of ascertaining local opinion with respect to the matter in hand, and shall allow any person to address them who appears to them to be qualified to give expression to any such opinion.

Certificates under section 104 of the Licensing Act, 1953

3.—(1) Licensing justices shall not grant a certificate under section one hundred and four of the Licensing Act, 1953 (which relates to the extension of permitted hours in restaurants, etc.), or under that section as extended by subsection (9) of section five of the Licensing Act, 1961, unless the applicant for the certificate has, seven days at least before the day on which the application is made, sent to the chief officer of police for the police area where the premises are situated and to the clerk to the licensing justices notice of his intention to make the application.

(2) A notice under this Rule shall be signed by the applicant or by his authorised agent, and shall state the address of the premises in respect of which the application is made.

(3) A notice under this Rule sent to the chief officer of police may specify the date (not being less than fourteen days later) on which, if a certificate is granted, the applicant intends to begin to avail himself of the provisions of section one hundred and four of the Licensing Act, 1953, or of that section as extended by subsection (9) of section five of the Licensing Act, 1961, and where a date is so specified the notice shall, if a certificate is granted, be sufficient compliance with the provisions of subsection (6) of the said section one hundred and four (which requires notice to be given to the chief officer of police).

(a) 1 & 2 Eliz. 2. c. 46. (b) 9 & 10 Eliz. 2. c. 61.

4. If any question arises as to the withdrawal of any certificate referred to in the preceding Rule, notice in writing may be served on the holder of the certificate not less than seven days before the day of the licensing sessions; and where such notice has been served the justices shall consider whether the certificate shall be withdrawn, and in any such case the procedure before the justices shall be the same, *mutatis mutandis*, as in the case of opposition to the renewal of a justices' licence, and the provisions of the Licensing Act, 1953, and the Licensing Act, 1961, in relation to such procedure shall apply accordingly, with the necessary modifications.

5.—(1) Any order made or certificate granted under these Rules shall be in the appropriate form set out in the Schedule to these Rules, or in a form to the like effect.

(2) Any order made under these Rules shall be published in the manner prescribed by Rule 1 of these Rules.

6. Subject as aforesaid the powers of licensing justices under section one hundred and four of the Licensing Act, 1953, or under subsection (3) or (4) of section five of the Licensing Act, 1961, shall be exercised in accordance with the procedure ordinarily adopted on the consideration of an application for the grant of a new justices' licence.

7.—(1) Subject to the transitional provisions of paragraph (2) of this Rule, the Licensing Rules, 1921(**a**), are hereby revoked.

(2) So much of the Licensing Rules, 1921, as relates to the grant or withdrawal of certificates under section one hundred and four of the Licensing Act, 1953, in respect of clubs shall continue in force until the coming into force of subsection (2) of section thirty-three of the Licensing Act, 1961 (that is to say, until the first day of March, 1962).

8. The Interpretation Act, 1889(**b**), shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

9. These Rules may be cited as the Licensing Rules, 1961, and shall come into operation on the fourth day of January, 1962.

R. A. Butler,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
21st December, 1961.

SCHEDULE

FORM 1

Form of Notice

LICENSING ACTS, 1953 TO 1961

[Division] [[County] Borough of].

Notice is hereby given that at the general annual licensing meeting, to be held at on the day of , 19 , a proposal will be considered for adopting subsection (2) of section five of the Licensing Act, 1961 (under which the general licensing hours on weekdays end at 11 p.m.) [and/*or* for modifying within the prescribed limits, in accordance with subsection (4) of section five of the Licensing Act, 1961, the general licensing hours].

(Signed)
(Clerk to the licensing justices)

(a) S.R. & O. 1921/1313 (Rev. XI, p. 40: 1921, p. 339). (b) 52 & 53 Vict. c. 63.

FORM 2

LICENSING ACTS, 1953 TO 1961

Order under section 5 (3) of the Licensing Act, 1961

At the general annual licensing meeting held at on the day of , 19 , [for the division of in the county of] [for the [county] borough of].

The licensing justices for the said [division] [borough] by order hereby direct that in relation to the said [division] [borough] subsection (1) of section five of the Licensing Act, 1961, shall have effect with the substitution of a reference to eleven in the evening for the reference in paragraph (*a*) to half-past ten in the evening [from the day of , 19 ,] [during the period(s)].

(Official seal or stamp of licensing justices or signature of majority of justices present)

FORM 3

LICENSING ACTS, 1953 TO 1961

Order under section 5 (4) of the Licensing Act, 1961

At the general annual licensing meeting held at on the day of , 19 , [for the division of in the county of] [for the [county] borough of].

The licensing justices for the said [division] [borough] by order hereby direct that in relation to the said [division] [borough] the general licensing hours on weekdays (not being Christmas Day or Good Friday) shall be the hours between and and between and [from the day of , 19 ,] [during the period] [and the hours between and , and between and during the period].

(Official seal or stamp of licensing justices or signature of majority of justices present)

FORM 4

LICENSING ACTS, 1953 TO 1961

Certificate under section 104 of the Licensing Act, 1953

At the licensing sessions held at on the day of , 19 , [for the division of in the county of] [for the [county] borough of].

The licensing justices for the said [division] [borough] hereby certify that they are satisfied that the licensed premises known as are structurally adapted and *bona fide* [used] [intended to be used] for the purpose of habitually providing, for the accommodation of persons frequenting the premises, substantial refreshment, to which the sale and supply of intoxicating liquor is ancillary.

(Official seal or stamp of licensing justices or signature of majority of justices present)

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules prescribe the procedure to be followed by licensing justices in the exercise of their powers under section 104 of the Licensing Act, 1953 (which provides for the extension of permitted hours in restaurants, etc.), and section 5 of the Licensing Act, 1961 (which relates to the permitted hours for licensed premises and clubs generally). The procedure is similar to that prescribed by the Licensing Rules, 1921, which are revoked by these Rules.