1962 No. 366

LICENSING (LIQUOR)

The Licensing (Special Hours Certificates) Rules, 1962

Made - - - - 21*st February*, 1962
Coming into Operation 1*st March*, 1962

In exercise of the power conferred on me by subsection (4) of section 119 of the Licensing Act, 1953(a), I hereby make the following Rules :—

1.—(1) At least seven days before applying to the licensing justices for a special hours certificate the applicant shall give notice in writing to the chief officer of police for the area in which the premises to which the application relates are situated and to the clerk to the licensing justices of his intention to make the application.

(2) A notice under this Rule shall be signed by the applicant or his authorised agent and shall state the address of the licensed premises to which the application relates.

2.—(1) At least seven days before applying to the licensing justices under subsection (1) of section 118 of the Licensing Act, 1953, for the revocation of a special hours certificate the chief officer of police shall give notice in writing to the holder of the justices' licence for the premises to which the certificate relates and to the clerk to the licensing justices of his intention to apply for the revocation of the certificate.

(2) A notice under this Rule shall state the ground on which the chief officer of police will rely in his application for the revocation of the special hours certificate.

(3) On the consideration of an application for the revocation of a special hours certificate the procedure before the licensing justices shall be as nearly as may be the same 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(b), relating to procedure shall apply accordingly with any necessary modifications.

3. Subject as aforesaid the procedure on any application to licensing justices under sections 113 to 118 of the Licensing Act, 1953, shall be the procedure ordinarily adopted on the consideration of an application for the grant of a new justices' licence.

4. A special hours certificate granted by licensing justices shall be in the form specified in the Schedule to these Rules, or in a form to the like effect.

5. The Licensing (Special Hours Certificate) Rules, 1949(c), are hereby revoked.

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

(a) 1 & 2 Eliz. 2. c. 46.
(b) 9 & 10 Eliz. 2. c. 61.
(c) S.I. 1949/1483 (1949 I, p. 2367).
(d) 52 & 53 Vict. c. 63.

7. These Rules may be cited as the Licensing (Special Hours Certificates) Rules, 1962, and shall come into operation on 1st March, 1962.

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

Home Office,
Whitehall.
21st February, 1962.

SCHEDULE

LICENSING ACTS, 1953 TO 1961

Special Hours Certificate

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], being satisfied as respects the licensed premises known as —

(*a*) that a music and dancing licence is in force as respects the premises; and

(*b*) that [the premises are] [the following part of the premises, that is to say, is] structually adapted and *bona fide* [used] [intended to be used] for the purpose of providing for persons resorting to the premises music and dancing and substantial refreshment to which the sale of intoxicating liquor is ancillary,

hereby grant under subsection (1) of section 113 of the Licensing Act, 1953, this special hours certificate as respects the [said premises] [said part of the said premises].

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

EXPLANATORY NOTE

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

Under section 113 of the Licensing Act, 1953, as extended by section 8 of the Licensing Act, 1961, licensed premises in England and Wales are entitled, if they fulfil certain conditions, to obtain a special hours certificate from the licensing justices. There are later permitted hours in premises where the certificate is in force. The chief officer of police for the area in which the premises are situated may in certain circumstances apply for the revocation of a certificate. These Rules make provisions as to the procedure on application for the grant or revocation of a certificate. Rules 1 and 2 respectively relate to the notices to be given on an application for the grant and revocation of a certificate. Rule 3 makes general provision as to the procedure at the hearing of any application under sections 113 to 118 of the Licensing Act, 1953, and paragraph (3) of Rule 2 makes particular provision as to the procedure at the hearing of an application for the revocation of a certificate. Rule 5 and the Schedule prescribe the form of a certificate. These provisions are similar to the provisions of the Licensing (Special Hours Certificates) Rules, 1949, which applied to a part of London only and are revoked by Rule 5.