The Licensing (Special Hours) Regulations, 1949

1949 No. 1484

Made - - - - 30*th July,* 1949

In pursuance of the powers conferred on me by subsections (3) and (4) of section eighteen of the Licensing Act, 1949(a), I hereby make the following Regulations:—

1. An application for a certificate of the Secretary of State under paragraph (*c*) of subsection (2) of section eighteen of the Licensing Act, 1949, shall be made in the form specified in the First Schedule to these Regulations.

2. The return of receipts to be made in each year under subsection (4) of section eighteen of the Licensing Act, 1949, (that is to say, a return of the receipts in the period of twelve months ending on the preceding thirty-first day of March from the sale of intoxicating liquor, and of the total receipts in that period from the business of all descriptions carried on by the licence holder in the premises) shall be made not later than the thirtieth day of June in the form specified in the Second Schedule to these Regulations.

3.—(1) Such an application for a certificate of the Secretary of State as is referred to in Regulation 1 of these Regulations, and such a return of receipts as is referred to in Regulation 2 thereof, shall be accompanied by a statement signed by an auditor that he has seen all the accounts and other documents, and obtained all the information and explanations, required by him as auditor for the purpose of verifying the particulars in regard to receipts given in the application or, as the case may be, the return, and that in his opinion the said particulars are correct.

(2) In this Regulation the expression " auditor " means a person who is qualified for appointment as auditor of a company (not being an exempt private company) under the provisions of section one hundred and sixty-one of the Companies Act, 1948(b).

4. The Interpretation Act, 1889(c), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

5. These Regulations may be cited as the Licensing (Special Hours) Regulations, 1949.

J. Chuter Ede,
One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
30th July, 1949.

(a) 12, 13 & 14 Geo. 6. c. 59. (b) 11 & 12 Geo. 6. c. 38.
(c) 52 & 53 Vict. c. 63.

Regulation 1.

FIRST SCHEDULE

Form of application for a certificate of the Secretary of State

LICENSING ACT, 1949, SECTION 18 (2)

APPLICATION FOR A CERTIFICATE OF THE SECRETARY OF STATE

*Strike out whichever is inappropriate.

Application is hereby made to the Secretary of State *by/on behalf of .....
(*name of licence holder*) for a certificate under section 18 (2) (*c*) of the Licensing Act, 1949, in respect of .....
.....
(*name and situation of premises*) that he is satisfied that no application under section 45 of the Finance (1909-10) Act, 1910, has been made in respect of the period for which the excise licence for the time being in force was granted, but that if such an application had been made there could properly have been granted a licence in respect of which the duty payable would be a reduced duty under the said section 45, or which would be a licence granted in pursuance of regulations under subsection (5) of the said section 45.

I hereby declare that—

1. An excise licence is in force in respect of the premises and was granted for the period .....

2. No application under section 45 of the Finance (1909-10) Act, 1910, has been made in respect of the period for which the excise licence for the time being in force was granted.

3. The foregoing particulars, and the particulars set out in the following Table with regard to receipts, are in every respect fully and truly stated to the best of my knowledge and belief.

Dated the day of , 1949.

.....
(Signature of the person making the application)

TABLE

	£ s. d.	£ s. d.
See note 1 below. †See note 2 below. (1) Total receipts during the period from..... to.....from business of all descriptions carried on by the licence holder in the premises†.		.. .. ..
(2) Amount of total receipts mentioned in (1) above attributable to—	£ s. d.	
‡See note 3 below. (*a*) ‡board and lodging (excluding sale of intoxicating liquor) for guests and travellers sleeping on the premises;	.. .. ..	
(*b*) ‡food and refreshment (excluding sale of intoxicating liquor) for persons other than guests or travellers sleeping on the premises.	.. .. ..	
Total of (*a*) and (*b*) above.		.. .. ..
(3) Amount of total receipts mentioned in (1) above attributable to sale of intoxicating liquor.		.. .. ..
(4) Amount of total receipts mentioned in (1) above attributable to all other business not included under (2) or (3) above.		.. .. ..

Notes

1. *The period in respect of which the receipts should be given is (a) the year which ended on the 31st March preceding the application, or, if the applicant so prefers, on the date to which the accounts were last made up,*

if that date was not earlier than the 1st October in the calendar year preceding the date of the application or, (b) in a case where business has been carried on on the premises for less than a year preceding the date of the application, the period during which business has been carried on.

2. *In the above Table the word "premises" does not include any part of the premises which is not reckoned as part of the licensed premises in determining the annual value thereof.*

3. *If separate figures cannot be given for (a) and (b) in (2), the total receipts under these two headings should be given in the place shown.*

SECOND SCHEDULE

Regulation 2.

Form of return of receipts

LICENSING ACT, 1949, SECTION 18 (4)

RETURN OF RECEIPTS RELATING TO PREMISES IN RESPECT OF WHICH A SPECIAL HOURS CERTIFICATE IS IN FORCE

Name of licence holder .....

Name and situation of premises .....

Total receipts in the period of twelve months ending on the 31st March preceding the date of the return from the business of all descriptions carried on by the licence holder in the premises*.	£	:	:
Total receipts in the period of twelve months ending on the 31st March preceding the date of the return from the sale of intoxicating liquor by the licence holder on the premises*.	£	:	:

I hereby declare that the foregoing return is in every respect fully and truly given to the best of my knowledge and belief.

Dated the day of , 1949.

.....

(Signed by or on behalf of the licence holder)

* *Not including any part of the premises which is not reckoned as part of the licensed premises in determining the annual value thereof.*

EXPLANATORY NOTE

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

Section eighteen of the Licensing Act, 1949, makes provision for the grant by licensing justices of special hours certificates for certain licensed hotels and restaurants in a part of the metropolis specified by order of the Secretary of State. There are later permitted hours in premises where the certificate is in force. The premises to which the section applies are premises in respect of which licence duty has been paid at a reduced rate under section forty-five of the Finance (1909-10) Act, 1910, or as to which the Secretary of State certifies that he is satisfied that no application has been made under that section, but that if one had been made it could properly have been granted. Regulation 1 of these Regulations prescribes the form in which an application to the Secretary of State for his certificate is to be made. Regulation 2 prescribes the form of return of receipts to be made annually in cases where the Secretary of State has given his certificate, and Regulation 3 provides for a signed auditor's statement as to the correctness of the particulars given in either case.