Draft Statutory Instrument laid before Parliament under section 108(2) of the Courts Act 2003, for approval by resolution of each House of Parliament

DRAFT STATUTORY INSTRUMENTS

2005 No.

JUSTICES OF THE PEACE, ENGLAND AND WALES MAGISTRATES' COURTS, ENGLAND AND WALES

Courts Act 2003 (Consequential Provisions) Order 2005

Made - - - -	*2005*
Coming into force - -	*1st April 2005*

Whereas a draft of this Instrument was laid before Parliament in accordance with section 108(2) of the Courts Act 2003(**1**) and approved by a resolution of each House of Parliament:

Now, therefore, the Lord Chancellor, in exercise of the powers conferred upon him by section 109(4)(a), (5)(b) and (6) of the Courts Act 2003 and section 29 of, and paragraph 10 of Schedule 5 to, the Domestic Violence, Crime and Victims Act 2004(**2**), hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Courts Act 2003 (Consequential Provisions) Order 2005 and shall come into force on 1st April 2005.

Consequential provisions

2. The amendments of enactments in the Schedule to this Order have effect.

(**1**) 2003 c. 39.
(**2**) 2004 c. 28.

Signed by authority of the Lord Chancellor

Department for Constitutional Affairs
2005 Parliamentary Under Secretary,

SCHEDULE article 2

Consequential Amendments

*Licensing Act 1964(**3**)*

1. In section 2 (licensing justices and districts)—

(a) in subsection (1), for "petty sessions areas" substitute "local justice areas"; and

(b) in subsection (2), for "petty sessions area" substitute "local justice area" and for "acting for that area" substitute "acting in that area".

2. In sections 8A(2)(a) (approved licensee) and in section 9A(2) (interim authorities), for "chief executive to" substitute "designated officer for".

3. In section 10(1) (protection orders), for "acting for the petty sessions area" substitute "acting in the local justice area".

4. In section 19 (power to require structural alterations on renewal of on-licence)—

(a) in subsection (1), for "chief executive" substitute "designated officer"; and

(b) in subsection (2), for "chief executive to" substitute "designated officer for".

5. In section 20 (consent required for certain alterations to on-licensed premises)—

(a) in subsection (2), for "chief executive" substitute "designated officer"; and

(b) in subsection (4), for "justices'chief executive" substitute "designated officer" and for "chief executive to" (in each place) substitute "designated officer for".

6. In sections 20A (3) (revocation), 22(1), (2), (4) and (5) (procedural provisions as to appeals) and 27(4)(c)(ii) (effect on duration of opposition to grant of licence), for "chief executive to" substitute "designated officer for".

7. In the heading to section 28 (clerk and chief executive to licensing justices), for "chief executive to" substitute "designated officer for" and in that section—

(a) in subsection (1), for "acting for a petty sessions area" substitute "acting in a local justice area"

(b) in subsection (2), for "petty sessions area" substitute "local justice area";

(c) in subsection (4), for "acting for a petty sessions area" substitute "acting in a local justice area"; and

(d) in subsection (5), for "justices' chief executive for a petty sessions area" substitute "designated officer for a local justice area" and for "chief executive to" substitute "designated officer for".

8. In section 29 (fees chargeable in licensing matters)—

(a) in subsection (1), for "justices' chief executives" substitute "designated officers";

(b) in subsection (2), for "justices' chief executive acting as chief executive to licensing justices" substitute "designated officer acting as designated officer for licensing justices" and for "justices' chief executive acting as such" substitute "designated officer for the court"; and

*(**3**) 1964 c. 26. The whole Act is repealed by section 199 of, and Schedule 7 to, the Licensing Act 2003 (c. 17) but the repeal is not yet in force. Sections 8A and 9A were inserted by S.I.1996/114, sections 20A, 87A, 153A and Schedule 8A by sections 3, 8 and 12 of the Licensing Act 1988 (c. 17), sections 179B, 179F and 179G by section 17 of the Criminal Justice and Police Act 2001 (c. 16) and Schedule 12A by section 19 of the Deregulation and Contracting Out Act 1994 (c. 40). Section 2(2) was substituted by section 76 of the Access to Justice Act 1999 (c. 22) and relevant amendments were made to the provisions specified in paragraphs 1 to 31 of this Schedule by section 90(1) of, and Schedule 13 to, that Act.*

(c) in subsection (3), for "justices' chief executive" substitute "designated officer".

9. In section 30(1) and (4) (register of licences), for "chief executive to" substitute "designated officer for".

10. In section 31 (convictions, forfeitures and disqualifications to be entered in register)—

(a) in subsection (1), for "chief executive to" (in both places) substitute "designated officer for" and for "justices' chief executive" substitute "designated officer"; and

(b) in subsection (2), for "chief executive to" substitute "designated officer for".

11. In section 32(1) and (2) (registration of owner, etc), for "chief executive to" substitute "designated officer for".

12. In section 33 (notice of conviction of licence holder to be given to registered owner)—

(a) in subsection (1), for "chief executive to" substitute "designated officer for"; and

(b) in subsection (2), for "chief executive" (in both places) substitute "designated officer".

13. In sections 34(3) (inspection of register) and 46(2) (rights of fire authorities in connection with registration of clubs), for "chief executive to" substitute "designated officer for".

14. In section 51 (register of clubs)—

(a) in subsection (1), for "chief executive to the justices for any petty sessions area" substitute "designated officer for the justices in any local justice area";

(b) in subsection (2), for "chief executive of" substitute "designated officer for"; and

(c) in subsection (4), for "chief executive to" substitute "designated officer for".

15. In section 57(1) (applications to magistrates' courts under Part II), for "acting for the petty sessions area" substitute "acting in the local justice area".

16. In section 62(3) (notice of permitted hours to be given), for "chief executive to the justices for the petty sessions area" substitute "designated officer for the justices in the local justice area".

17. In section 75 (procedural provisions as to exemption orders outside metropolitan area)—

(a) in subsection (1), for "acting for the petty sessions area" substitute "acting in the local justice area";

(b) in subsection (2), for "chief executive to" substitute "designated officer for"; and

(c) in subsection (3), for "chief executive" (in each place) substitute "designated officer".

18. In section 87A(5) (notice of application for variation of permitted hours in on-licensed vineyard premises), for "chief executive to" substitute "designated officer for".

19. In sections 133(1) (restoration to full force of licence in suspense), 142(1) (restoration to full force of licence in suspense), 150(3) and (4)(a) (provisional canteen licences) and 151(6) (opposition to renewal of canteen licences), for "chief executive to" substitute "designated officer for".

20. In section 152(2) (transfer of canteen licences), for "petty sessions area" substitute "local justice area".

21. In sections 153A(3) (revocation of canteen licences) and 154(1)(b) (rights of appeal), for "chief executive to" substitute "designated officer for".

22. In section 179B(7)(b) (consideration of closure order by certain justices), for "acting for the petty sessions area" substitute "acting in the local justice area".

23. In section 179F(1) (procedural requirements), for "acting for the petty sessions area" substitute "acting in the local justice area" and for "chief executive to" substitute "designated officer for".

24. In section 179G(2) (notice of appeal), for "chief executive to" substitute "designated officer for" and for "justices' chief executive" substitute "designated officer for the court".

25. In section 180 (consent to grant of occasional licence)—

(a) in subsection (3), for "chief executive to" substitute "designated officer for";

(b) in subsection (4), for "chief executive" (in each place) substitute "designated officer"; and

(c) in subsection (7), for "acting for the petty sessions area" substitute "acting in the local justice area".

26. In section 190(1) (magistrates' courts, etc not to sit in licensed premises), for "petty-sessional court-house or occasional court-house" substitute "a place at which a magistrates' court may sit".

27. In section 192 (jurisdiction of justices)—

(a) in subsection (1), for "acting for any petty sessions area" substitute "acting in any local justice area"; and

(b) in subsection (2), omit "Without prejudice to section 3 of the Magistrates' Courts Act 1980(**4**)" and for "petty sessions areas" substitute "local justice areas".

28. In section 196A(2) (extension to certain proceedings under this Act of section 97 of the Magistrates' Courts Act 1980), for "petty sessions area" substitute "local justice area".

29. In section 199(c) (exemptions and savings), for "chief executive to" substitute "designated officer for".

30. In Schedule 1 (constitution and procedure of licensing justices)—

(a) in paragraph 6, omit "other than a borough having a separate commission of the peace" and for "acting for the petty sessions area" substitute "acting in the local justice area"; and

(b) in paragraph 11, for "chief executive to" substitute "designated officer for".

31. In paragraphs 1(a), 3 and 6 of Schedule 2 (applications for justices' licences), for "chief executive to" substitute "designated officer for".

32. In Schedule 6 (procedure on applications and complaints relating to registration certificates)—

(a) in paragraphs 1(1) and (3), 2, 4, 6(1) and 7, for "chief executive to" substitute "designated officer for"; and

(b) in paragraph 4, for "chief executive" (in the second place) substitute "designated officer".

33. In paragraphs 1(1) and 4(2) of Schedule 8A (procedure for making, varying or revoking restriction orders), for "chief executive to" substitute "designated officer for".

34. In paragraph 7 of Schedule 11 (licensing planning committees),

(a) for "chief executive to" substitute "designated officer for";

(b) for "chief executives" substitute "designated officers"; and

(c) for "chief executive" (in the second place) substitute "designated officer".

35. In Schedule 12 (applications for grant or transfer of canteen licences),

(a) in paragraph 1(1)(a), for "chief executive of" substitute "designated officer for"; and

(b) in paragraph 3, for "chief executive to" substitute "designated officer for".

36. In paragraphs 1(1), 2(1), 7(3)(a) and 8(a) of Schedule 12A (children's certificates: supplementary provisions), for "chief executive to" substitute "designated officer for".

(**4**) 1980 c. 43.