

Subsidiary Legislation made under s. 3.

**LICENSING (PROCEDURE) RULES**

**(LN. 1966.09.23)**

*Commencement*      **28.10.1966**

Amending enactments	Relevant current provisions	Commencement date
LN. 1991/199	rule 3 (1)(ii) and (2)	31.10.1991

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**ARRANGEMENT OF RULES.**

Rule.

1. Title.
2. Annual meetings.
- 2A. Application in case of provisional licence.
3. Notice to licensing authority and police.
4. Certain applications to be advertised.
5. Opposition to applications.
6. Appearance on behalf of applicant.
7. Circumstances when appearance may be dispensed with.
8. Ascertainment of local opinion.

**SCHEDULE**

Notice of Application for Licence.

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**Title.**

1. These rules may be cited as the Licensing (Procedure) Rules.

**Annual meetings.**

- 2.(1) The licensing authority shall hold an annual licensing meeting in the month of December in each year for the consideration of applications tender

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Part II and Part IV of the Ordinance and applications for extensions of the permitted hours.

(2) The licensing authority shall give at least twenty-eight days notice of such meeting by publishing a notice once in the Gazette, which notice shall include a statement to the effect that applications for the renewal of existing licences and for the renewal of extensions of the permitted hours will be considered at such meeting and that any person wishing to oppose any application must give notice thereof in writing to the applicant and to the clerk to the justices at least three days before the date of the meeting, specifying in general terms his grounds of opposition.

(3) The licensing authority may hold such other meetings as they think fit for the consideration of applications under Part II and Part IV of the Ordinance and applications for extensions of the permitted hours and may dispense with prior notification thereof except to the applicants.

**Application in case of provisional licence.**

2A. Rules 3(1), 4, 5, 6, 8 of, and the Schedule to, these rules shall apply to an application for a provisional licence as they apply to an application for a first issue of a licence.

**Notice to licensing authority and police.**

3.(1) No application for the first issue of a licence under Part II and no application under Part IV of the Ordinance or for an extension of the permitted hours shall be granted unless the applicant has delivered, –

- (i) to the clerk to the justices an application in the form prescribed by rule 4 of the Licensing Rules modified where necessary to suit an application for extension of the permitted hours; and
- (ii) to the Commissioner of Police and the Minister for Tourism a copy of such application, together with a statement of the date on which, if the application is granted, the applicant intends to begin to avail himself of its provisions,

at least fourteen days in the case of an application for the first issue of a licence under Part II or for an extension of the permitted hours, or seven days in the case of an application under Part IV, before the meeting at which the application is to be heard.

(2) No application for the renewal of a licence or for the renewal of an extension of the permitted hours shall be granted unless the clerk to the

justices shall have received an application as aforesaid and the Commissioner of Police and the Minister for Tourism shall each have received a copy thereof at least one clear day before the meeting at which the application is to be made.

### **Certain applications to be advertised.**

4. Any person wishing to apply for the first issue of a licence or for the first grant of an extension of the permitted hours shall, not more than fourteen or less than seven days before the meeting at which the application is to be considered, insert a notice of such application, in the form contained in the Schedule, in two newspapers published and circulating in Gibraltar.

### **Opposition to applications.**

5.(1) Any person wishing to oppose an application whether for a first issue or for a renewal of a licence or for the first grant or the renewal of an extension of the permitted hours shall give notice in writing to the applicant and to the clerk to the justices at least three days before the date fixed for the consideration of the application, specifying in general terms his grounds of opposition.

(2) Upon consideration of the application by the licensing authority any person who has duly given notice of opposition shall be entitled to be heard in person or by a barrister or solicitor.

### **Appearance on behalf of applicant.**

6. Every applicant for the first issue of a licence under Part II of the Ordinance or for the first grant of an extension of the permitted hours shall appear before the licensing authority in person or by a barrister or solicitor.

### **Circumstances when appearance may be dispensed with.**

7. No applicant for a renewal of a licence under Part II of the Ordinance or for a transfer or for the renewal of an extension of the permitted hours need appear before the licensing authority, unless notice of opposition has been given to him or unless he is required to appear by the licensing authority.

### **Ascertainment of local opinion.**

8. Notwithstanding any other provisions of these rules, upon the consideration of any application under Part II of the Ordinance or for an extension of the permitted hours the licensing authority may take steps as seem to them fit for the purpose of ascertaining local opinion with respect to the matter in hand, and may allow any person to address them who appears to them to be qualified to give expression to any such opinion :

Provided that –

- (i) the licensing authority shall not be obliged to hear more persons than they consider in respect of any single application, to be necessary for the purpose of coming to a decision thereon ; and
- (ii) the licensing authority shall give the applicant an opportunity of rebutting any adverse opinion which may have been expressed or submitted to them.

**SCHEDULE.**

Rule 4.

LICENSING AND FEES ORDINANCE.

LICENSING (PROCEDURE) RULES.

NOTICE OF APPLICATION FOR LICENCE.

Notice is hereby given that–

*(Full name)* .....will apply for *(kind of licence or extension applied for)* ..... in respect of premises at *(address)* .....at *(date, time and place where the application is to be heard)* .....

Any person wishing to oppose the grant of this application must give notice in writing to the undersigned and to the clerk to the justices at least three days before the date when the application is to be made, specifying in general terms his grounds of opposition.

Date.....

(Signature).