

EXECUTIVE COUNCIL

RESTRICTED

Title of Report: LICENSING (AMENDMENT) BILL 2009

Paper No: 34/09

Date: 26 February 2009

Report of: Attorney General

1.0 Purpose

1.1 The purpose of this Paper is to seek approval for the publication and subsequent submission to Legislative Assembly of the Licensing (Amendment) Bill 2009.

2.0 Recommendations

2.1 Honourable Members are recommended to approve the publication and subsequent submission to Legislative Assembly of the Bill.

3.0 Summary of Financial Implications

3.1 None.

4.0 Background

4.1 The Police Committee at its meeting on 12 December 2008 asked for an amendment to be made to the Licensing Ordinance to enable the clerk of the Summary Court to deal with extensions and occasional licences, provided certain conditions were met.

4.2 Currently such applications have to be considered by Licensing Justices, which the Justices have long considered to be unnecessary for straight forward applications.

4.3 This Bill (attached) makes the amendment requested, and tidies up the drafting of a 2002 amendment which gave the clerk power to deal with other licensing applications.

4.4 The Senior Magistrate and the clerk of the Summary Court are happy with the Bill.

5.0 Financial Implications

5.1 None.

6.0 Legal Implications

6.1 None.

7.0 Human Resources Implications

7.1 None.

Licensing (Amendment) Bill 2009

(No: of 2009)

ARRANGEMENT OF PROVISIONS

Clause

1. Title
2. Commencement
3. Amendment of Licensing Ordinance
4. Licensing justices
5. New section 5A inserted

LICENSING (AMENDMENT) BILL 2009

(No: of 2009)

(assented to: 2009)
(commencement: on publication)
(published: 2009)

A BILL

for

AN ORDINANCE

To amend the Licensing Ordinance 1994 (Title 48.2)

BE IT ENACTED by the Legislature of the Falkland Islands —

1. Title

This Ordinance is the Licensing (Amendment) Ordinance 2009.

2. Commencement

This Ordinance comes into force on publication in the Gazette.

3. Amendment of Licensing Ordinance

This Ordinance amends the Licensing Ordinance.

4. Licensing justices

Section 5(4) is repealed.

5. New section 5A inserted

The following section is inserted after section 5 —

“5A. Delegation of licensing to the clerk of the Summary Court

(1) If the conditions set out in subsection (2) are satisfied in relation to an application, the clerk of the Summary Court may grant —

- (a) a renewal of a licence under section 9;
- (b) a transfer of a licence under section 10;
- (c) a protection order under section 12;
- (d) an extension of permitted hours on a special occasion under section 48; or
- (e) an occasional licence under section 83.

(2) The conditions which must be satisfied for the purposes of subsection (1) are that —

- (a) any notice required to be given in relation to the application has been properly given;
- (b) the chief police officer has notified the clerk that there is no objection to the granting of the application; and
- (c) any conditions to be attached to the licence or order have been agreed by the applicant.”

OBJECTS AND REASONS

The Bill amends the Licensing Ordinance to enable the clerk of the Summary Court to grant specified applications under the Ordinance, provided certain conditions are satisfied.

Of the five categories of application specified, (a) to (c) were covered by an amendment to the Ordinance made in 2002; (d) and (e) are added by this Bill.

All five categories are placed within a new section 5A of the Ordinance for ease of comprehension.