



Isle of Man

Ellan Vannin

AT 9 of 2020

LICENSING (AMENDMENT) ACT 2020

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<i>Signed in Tynwald:</i>	<i>21 July 2020</i>
<i>Received Royal Assent:</i>	<i>21 July 2020</i>
<i>Announced to Tynwald:</i>	<i>21 July 2020</i>

AN ACT to amend the Licensing Act 1995 and to amend the Music and Dancing Act 1961; and for connected purposes

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

1 Short title

The short title of this Act is the Licensing (Amendment) Act 2020.

2 Commencement

- (1) This Act, apart from section 1 and this section, comes into operation on such day or days as the Department of Home Affairs may by order appoint.
- (2) An order under subsection (1) may include such supplemental, incidental, consequential and transitional provisions as appear to the Department of Home Affairs to be necessary or expedient.

3 Amendment of the Licensing Act 1995

- (1) The *Licensing Act 1995* is amended as follows.
- (2) In section 4 (sittings of the court), after subsection (4) there is inserted—
 - (5) Notwithstanding subsection (1), where a triennial sitting of the court is due to be held before 31st March 2021, that sitting shall instead be held before 31st March 2022.”.
- (3) After Part 4 (registered clubs) there is inserted the following Part —

“PART 4A – TEMPORARY EXTENSIONS OF LICENCES AND REGISTRATIONS

55A Interpretation of this Part

In this Part –

“publicly maintained highway” means a highway that is maintained at public expense under the Highways Act 1986;

“relevant portion” means that part of a publicly maintained highway which—

- (a) is covered by a section 78 licence; and
- (b) would form the curtilage of the on-licensed or, as the case may be, club premises if that curtilage extended to include that part of the highway;

“temporary extension period” means the period beginning with the date this Part comes into operation and ending with 30 September 2020 or such later date as may be prescribed in regulations;

“section 78 licence” means a licence granted under section 78 of the Highways Act 1986 (licences to provide refreshments, and to place kiosks and necessary furniture, on a public highway).

55B On-license and registered club premises: treating provision

- (1) This Part applies where on-licensed or club premises do not include the relevant portion but abut or are situated within 50 metres of that portion.
- (2) On-licensed premises referred to in subsection (1) shall be treated as including the relevant portion and the on-licence in respect of those premises shall be deemed to have been granted subject to the conditions referred to in subsection (4).
- (3) Club premises referred to in subsection (1) shall be treated as including the relevant portion and the registration order in respect of the club shall be deemed to include the conditions referred to in subsection (4).
- (4) The conditions referred to in subsection (2) and (3) are that the holder of the on-licence or, as the case may be, the members of the registered club –
 - (a) must not permit dancing or singing to occur in the relevant portion that is treated as forming part of the on-licensed or, as the case may be, club premises; and

(b) must not permit music to be played or amplified in a way or at a volume that is likely to cause a nuisance to the occupants of premises in close proximity to the relevant portion.

(5) The conditions of the section 78 licence covering the relevant portion continue to apply to that portion during the operation of this Part.

55C Duration

(1) At the end of the temporary extension period, the relevant portion is no longer treated as forming a part of the on-licensed or, as the case may be, club premises.

(2) Subsection (3) applies where before the end of the temporary extension period –

(a) the licensee of the on-licensed premises applies to the court for an on-licence in respect of the relevant portion; and

(b) the court has not determined that application.

(3) Where this subsection applies, the relevant portion shall continue to be treated as forming a part of the on-licensed premises until the court determines the application referred to in subsection (2) (whether before or after the end of the temporary extension period).

(4) Subsection (5) applies where before the end of the temporary extension period –

(a) a registered club applies to the court for an order under section 48(3) (change of club premises) in respect of the relevant portion; and

(b) the court has not determined that application.

(5) Where this subsection applies, the relevant portion shall continue to be treated as forming part of the club premises until the court determines the application referred to in subsection (4) (whether before or after the end of the temporary extension period).

55D Regulations

The Department may, by regulations, specify that the temporary extension period is to end on a date later than the 30 September 2020.

Tynwald procedure – approval required. ””

4 Amendment of the Music and Dancing Act 1961

(1) The *Music and Dancing Act 1961* is amended as follows.

- (2) In section 7 (terms of licence), at the end of paragraph (c) add⁶⁴, save that where a licence is due to expire on a specified day in the year 2021 or on 1st April 2021, that licence shall instead expire on the corresponding day in the year 2022.⁶⁵.

5 Regulations

- (1) The Department of Home Affairs may by regulations make such provision as it considers necessary or expedient for the purposes of, in consequence of, or for giving full effect to, any provision of this Act.
- (2) Such regulations may make—
- (a) supplementary, incidental or consequential provision;
 - (b) transitory, transitional or saving provision.
- Tynwald procedure — approval required.

6 Repeal

This Act ceases to have effect on 1st April 2022.

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