



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 3

#### PREMISES LICENCES

##### *[<sup>F1</sup>Variation of licences: minor variations*

#### **[<sup>F1</sup>41B Determination of application under section 41A**

- (1) This section applies where the relevant licensing authority receives an application made under section 41A.
- (2) In determining the application the authority must—
  - (a) consult such of the responsible authorities as it considers appropriate, and
  - (b) take into account any relevant representations—
    - (i) made by those authorities, or
    - (ii) made by [<sup>F2</sup>any other person] and received by the authority within ten working days beginning on the initial day.
- (3) If the authority considers that—
  - (a) the variation proposed in the application could not have an adverse effect on the promotion of any of the licensing objectives, or
  - (b) if more than one variation is proposed, none of them, whether considered separately or together could have such an effect,it must grant the application.
- (4) In any other case the authority must reject the application.
- (5) A determination under this section must be made within the period of fifteen working days beginning on the initial day.
- (6) If at the expiry of the period referred to in subsection (5) the authority has not determined the application—
  - (a) the application is rejected, and

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**Changes to legislation:** Licensing Act 2003, Section 41B is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (b) the authority must forthwith return the fee that accompanied the application.
- (7) But nothing in subsection (6) prevents the authority, with the agreement of the applicant, from treating—
- (a) an application rejected by virtue of that subsection (“the first application”) as a new application made under section 41A,
  - (b) the prescribed fee that accompanied the first application as the prescribed fee accompanying a new application, or
  - (c) both.
- (8) A new application of the kind referred to in subsection (7)(a) is to be treated as having been made on the date of the agreement referred to in that provision, or on such other date as is specified in the agreement.
- (9) Any fee owed to an applicant under subsection (6) may be recovered as a debt due to the applicant.
- (10) For the purposes of this section—
- “initial day” in relation to an application means the first working day after the day on which the authority receives the application;
- “relevant representations” in relation to an application means representations which are about the likely effect of the grant of the application on the promotion of the licensing objectives.]

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**Textual Amendments**

- F1** Ss. 41A-41C and cross-heading inserted (1.7.2009 for certain purposes and 29.7.2009 otherwise) by [The Legislative Reform \(Minor Variations to Premises Licences and Club Premises Certificates\) Order 2009 \(S.I. 2009/1772\)](#), **art. 2**
- F2** Words in s. 41B(2)(b)(ii) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 105(7), 157(1)** (with s. 105(11)); S.I. 2012/1129, art. 2(d)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5A inserted by [2015 c. 20 s. 67\(2\)](#)Sch. 17
- s. 2(1A) inserted by [2015 c. 20 s. 67\(1\)](#)
- s. 10(4)(e) and word inserted by [2011 c. 13 s. 121\(3\)\(b\)](#)
- s. 140(2)(e) inserted by [2015 c. 20 s. 67\(4\)\(b\)](#)
- s. 141(2)(e) inserted by [2015 c. 20 s. 67\(5\)\(b\)](#)
- s. 143(2)(e) inserted by [2015 c. 20 s. 67\(6\)\(b\)](#)
- s. 144(2)(e) inserted by [2015 c. 20 s. 67\(7\)\(b\)](#)
- s. 147A(4)(c) inserted by [2015 c. 20 s. 67\(8\)\(b\)](#)
- s. 153(4)(d) inserted by [2015 c. 20 s. 67\(9\)\(b\)](#)
- s. 197(3)(cza) inserted by [2015 c. 20 s. 67\(12\)\(a\)](#)
- s. 197A197B inserted by [2011 c. 13 s. 121\(2\)](#)