



Licensing Act 2003

2003 CHAPTER 17

PART 3

PREMISES LICENCES

Interim authority notices

47 Interim authority notice following death etc. of licence holder

(1) This section applies where—

- (a) a premises licence lapses under section 27 in a case within subsection (1)(a), (b) or (c) [^{F1}or (1A)] of that section (death, incapacity or insolvency of the holder [^{F2}or change of immigration status]), but
- (b) no application for transfer of the licence has been made by virtue of section 50 (reinstatement of licence on transfer following death etc.).

(2) A person who—

- (a) has a prescribed interest in the premises concerned, or
- (b) is connected to the person who held the premises licence immediately before it lapsed (“the former holder”),

may, during the initial [^{F3}28 day] period, give to the relevant licensing authority a notice (an “interim authority notice”) in respect of the licence.

(3) Subsection (2) is subject to [^{F4}subsection (3A) and] regulations under—

- (a) section 54 (form etc. of notices etc.);
- (b) section 55 (fees to accompany applications etc.).

[^{F5}(3A) Where the premises licence authorises premises to be used for a licensable activity within section 1(1)(a) or (d), a person falling within subsection (2)(a) or (b) who is an individual who is resident in the United Kingdom may give an interim authority notice only if the person is entitled to work in the United Kingdom.]

(4) Only one interim authority notice may be given under subsection (2).

Changes to legislation: Licensing Act 2003, Cross Heading: Interim authority notices is up to date with all changes known to be in force on or before 19 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

(5) For the purposes of subsection (2) a person is connected to the former holder of the premises licence if, and only if—

- (a) the former holder has died and that person is his personal representative,
- ^[F6](b) the former holder lacks capacity (within the meaning of the Mental Capacity Act 2005) to hold the licence and that person acts for him under an enduring power of attorney or lasting power of attorney registered under that Act,]
- (c) the former holder has become insolvent and that person is his insolvency practitioner.

(6) Where an interim authority notice is given in accordance with this section—

- (a) the premises licence is reinstated from the time the notice is received by the relevant licensing authority, and
- (b) the person who gave the notice is from that time the holder of the licence.

(7) But the premises licence lapses again—

- (a) at the end of the initial ^[F3]28 day] period unless before that time the person who gave the interim authority notice has given a copy of the notice to the chief officer of police for the police area (or each police area) in which the premises are situated;
- ^[F7](aa) where the premises licence authorises premises to be used for a licensable activity within section 1(1)(a) or (d), at the end of the initial 28 day period unless before that time the person who gave the interim authority notice has given a copy of the notice to the Secretary of State;]
- (b) at the end of the interim authority period, unless before that time a relevant transfer application is made to the relevant licensing authority.

^[F8](7A) Where the interim authority notice was given to the relevant licensing authority by means of a relevant electronic facility—

- (a) ^[F9]paragraphs (a) and (aa) of subsection (7) do] not apply, and
- (b) the relevant licensing authority must forthwith give a copy of the notice to the chief officer of police for the police area (or each police area) in which the premises are situated]^[F10]and, where the premises licence authorises premises to be used for a licensable activity within section 1(1)(a) or (d), to the Secretary of State.]

(8) Nothing in this section prevents the person who gave the interim authority notice from making a relevant transfer application.

(9) If—

- (a) a relevant transfer application is made during the interim authority period, and
- (b) that application is rejected or withdrawn,

the licence lapses again at the time of the rejection or withdrawal.

(10) In this section—

“becomes insolvent” is to be construed in accordance with section 27;

^[F11]“initial 28 day period”, in relation to a licence which lapses as mentioned in subsection (1), means the period of 28 days beginning with the day after the day the licence lapses;]

“insolvency practitioner”, in relation to a person, means a person acting as an insolvency practitioner in relation to him (within the meaning of section 388 of the Insolvency Act 1986 (c. 45));

Changes to legislation: Licensing Act 2003, Cross Heading: Interim authority notices is up to date with all changes known to be in force on or before 19 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

“interim authority period” means the period beginning with the day on which the interim authority notice is received by the relevant licensing authority and ending—

- (a) [^{F12}three months] after that day, or
- (b) if earlier, when it is terminated by the person who gave the interim authority notice notifying the relevant licensing authority to that effect;

^{F13}

“relevant transfer application” in relation to the premises licence, is an application under section 42 which is given interim effect by virtue of section 43.

Textual Amendments

- F1** Words in s. 47(1) inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 9(2)(a)** (with Sch. 4 para. 33); S.I. 2017/380, reg. 2(b)
- F2** Words in s. 47(1) inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 9(2)(b)** (with Sch. 4 para. 33); S.I. 2017/380, reg. 2(b)
- F3** Words in s. 47(2)(7)(a) substituted (1.10.2010) by The Legislative Reform (Licensing) (Interim Authority Notices etc) Order 2010 (S.I. 2010/2452), **art. 2(1)(a)** (with art. 4)
- F4** Words in s. 47(3) inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 9(3)** (with Sch. 4 para. 33); S.I. 2017/380, reg. 2(b)
- F5** S. 47(3A) inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 9(4)** (with Sch. 4 para. 33); S.I. 2017/380, reg. 2(b)
- F6** S. 47(5)(b) substituted (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(1), 68(1)-(3), **Sch. 6 para. 46(3)(a)** (with ss. 27, 28, 29, 62); S.I. 2007/1897, **art. 2**
- F7** S. 47(7)(aa) inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 9(5)** (with Sch. 4 para. 33); S.I. 2017/380, reg. 2(b)
- F8** S. 47(7A) inserted (28.12.2009) by The Provision of Services Regulations 2009 (S.I. 2009/2999), **reg. 49(8)** (with regs. 2, 5)
- F9** Words in s. 47(7A)(a) substituted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 9(6)(a)** (with Sch. 4 para. 33); S.I. 2017/380, reg. 2(b)
- F10** Words in s. 47(7A)(b) inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 9(6)(b)** (with Sch. 4 para. 33); S.I. 2017/380, reg. 2(b)
- F11** S. 47(10): definition of initial seven day period" substituted (1.10.2010) by The Legislative Reform (Licensing) (Interim Authority Notices etc) Order 2010 (S.I. 2010/2452), **art. 2(1)(b)(i)** (with art. 4)
- F12** S. 47(10): words in definition of "interim authority period" substituted (1.10.2010) by The Legislative Reform (Licensing) (Interim Authority Notices etc) Order 2010 (S.I. 2010/2452), **art. 2(1)(b)(ii)** (with art. 4)
- F13** S. 47(10): definition of "mentally incapable" repealed (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(1)(2), 68(1)-(3), Sch. 6 para. 46(3)(b), **Sch. 7** (with ss. 27, 28, 29, 62); S.I. 2007/1897, **art. 2**

Commencement Information

- I1** S. 47(2)(a) in force at 16.12.2003 by S.I. 2003/3222, **art. 2**, Sch. and s. 47 otherwise in force at 24.11.2005 by S.I. 2005/3056, **art. 2** (with Sch.)

48 Cancellation of interim authority notice following ^{F14}... objections

- (1) [^{F15}Subsection (2)] applies where—
 - (a) an interim authority notice by a person (“the relevant person”) is given in accordance with section 47,

Changes to legislation: Licensing Act 2003, Cross Heading: Interim authority notices is up to date with all changes known to be in force on or before 19 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

- (b) the chief officer of police for the police area (or each police area) in which the premises are situated is given a copy of the interim authority notice before the end of the initial [^{F16}28 day] period (within the meaning of that section), and
 - (c) that chief officer (or any of those chief officers) is satisfied that the exceptional circumstances of the case are such that a failure to cancel the interim authority notice would undermine the crime prevention objective.
- (2) The chief officer of police must [^{F17}before the end of the second working day following the day on which] he receives the copy of the interim authority notice give the relevant licensing authority a notice stating why he is so satisfied.
- [^{F18}(2A) Subsection (2B) applies where—
- (a) an interim authority notice by a person (“the relevant person”) is given in accordance with section 47,
 - (b) the Secretary of State is given a copy of the interim authority notice before the end of the initial 28 day period (within the meaning of that section), and
 - (c) the Secretary of State is satisfied that the exceptional circumstances of the case are such that a failure to cancel the interim authority notice would be prejudicial to the prevention of illegal working in licensed premises.
- (2B) The Secretary of State must before the end of the second working day following receipt of the copy of the interim authority notice give the relevant licensing authority a notice stating why the Secretary of State is so satisfied.]
- (3) Where a notice is given [^{F19}under subsection (2) or (2B)] (and not withdrawn), the authority must—
- (a) hold a hearing to consider it, unless the authority, the relevant person and the [^{F20}person who gave the notice] agree that a hearing is unnecessary, and
- [^{F21}(b) having regard to the notice—
- (i) where the notice is given under subsection (2), cancel the interim authority notice if it considers it appropriate for the promotion of the crime prevention objective to do so, or
 - (ii) where the notice is given under subsection (2B), cancel the interim authority notice if it considers it appropriate for the prevention of illegal working in licensed premises to do so.]
- (4) An interim authority notice is cancelled under subsection (3)(b) by the licensing authority giving the relevant person a notice stating that it is cancelled and the authority’s reasons for its decision.
- (5) The licensing authority must give a copy of a notice under subsection (4) to the chief officer of police for the police area (or each police area) in which the premises are situated.
- [^{F22}(5A) Where an interim authority notice is cancelled under subsection (3)(b)(ii), the licensing authority must also give a copy of the notice under subsection (4) to the Secretary of State.]
- (6) The premises licence lapses if, and when, a notice is given under subsection (4).
- This is subject to paragraph 7(5) of Schedule 5 (reinstatement of premises licence where appeal made against cancellation of interim authority notice).

Changes to legislation: Licensing Act 2003, Cross Heading: Interim authority notices is up to date with all changes known to be in force on or before 19 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

- (7) The relevant licensing authority must not cancel an interim authority notice after a relevant transfer application (within the meaning of section 47) is made in respect of the premises licence.

Textual Amendments

- F14** Word in s. 48 heading omitted (6.4.2017) by virtue of [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 4 para. 10\(2\)](#); S.I. 2017/380, reg. 2(b)
- F15** Words in s. 48(1) substituted (6.4.2017) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 4 para. 10\(3\)](#); S.I. 2017/380, reg. 2(b)
- F16** Words in s. 48(1)(b) substituted (1.10.2010) by [The Legislative Reform \(Licensing\) \(Interim Authority Notices etc\) Order 2010 \(S.I. 2010/2452\), art. 2\(2\)\(a\)](#) (with art. 4)
- F17** Words in s. 48(2) substituted (1.10.2010) by [The Legislative Reform \(Licensing\) \(Interim Authority Notices etc\) Order 2010 \(S.I. 2010/2452\), art. 2\(2\)\(b\)](#) (with art. 4)
- F18** S. 48(2A)(2B) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 4 para. 10\(4\)](#); S.I. 2017/380, reg. 2(b)
- F19** Words in s. 48(3) substituted (6.4.2017) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 4 para. 10\(5\)\(a\)](#); S.I. 2017/380, reg. 2(b)
- F20** Words in s. 48(3)(a) substituted (6.4.2017) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 4 para. 10\(5\)\(b\)](#); S.I. 2017/380, reg. 2(b)
- F21** S. 48(3)(b) substituted (6.4.2017) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 4 para. 10\(5\)\(c\)](#); S.I. 2017/380, reg. 2(b)
- F22** S. 48(5A) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 4 para. 10\(6\)](#); S.I. 2017/380, reg. 2(b)

49 Supplementary provision about interim authority notices

- (1) On receipt of an interim authority notice, the relevant licensing authority must issue to the person who gave the notice a copy of the licence and a copy of the summary (in each case certified by the authority to be a true copy).
- (2) The copies issued under this section must be copies of the premises licence and summary in the form in which they existed immediately before the licence lapsed under section 27, except that they must specify the person who gave the interim authority notice as the person who is the holder.
- (3) This Act applies in relation to a copy issued under this section as it applies in relation to an original licence or summary.
- (4) Where a person becomes the holder of a premises licence by virtue of section 47, he must (unless he is the designated premises supervisor under the licence) forthwith notify the supervisor (if any) of the interim authority notice.
- (5) A person commits an offence if he fails, without reasonable excuse, to comply with subsection (4).
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Changes to legislation:

Licensing Act 2003, Cross Heading: Interim authority notices is up to date with all changes known to be in force on or before 19 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.

[View outstanding changes](#)

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\(2\)](#)