

Changes to legislation: Licensing Act 2003, SCHEDULE 5 is up to date with all changes known to be in force on or before 12 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

SCHEDULES

SCHEDULE 5 **E+W**

Section 181

APPEALS

PART 1 **E+W**

PREMISES LICENCES

Rejection of applications relating to premises licences

- 1 Where a licensing authority—
- (a) rejects an application for a premises licence under section 18,
 - (b) rejects (in whole or in part) an application to vary a premises licence under section 35,
 - (c) rejects an application to vary a premises licence to specify an individual as the premises supervisor under section 39, or
 - (d) rejects an application to transfer a premises licence under section 44,
- the applicant may appeal against the decision.

Commencement Information

- II** Sch. 5 para. 1(a)(d) in force at 7.2.2005 and Sch. 5 para. 1(b)(c) in force for certain purposes at 7.2.2005 and 7.8.2005 otherwise by [S.I. 2004/2360](#), [art. 2](#), [Sch.](#); [S.I. 2005/2090](#), [art. 2](#), [Sch.](#)

Decision to grant premises licence or impose conditions etc.

- 2 (1) This paragraph applies where a licensing authority grants a premises licence under section 18.
- (2) The holder of the licence may appeal against any decision—
- (a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).
- (3) Where a person who made relevant representations in relation to the application desires to contend—
- (a) that the licence ought not to have been granted, or
 - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section,
- he may appeal against the decision.

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- (4) In sub-paragraph (3) “relevant representations” has the meaning given in section 18(6).

Issue of provisional statement

- 3 (1) This paragraph applies where a provisional statement is issued under subsection (3) (c) of section 31.
- (2) An appeal against the decision may be made by—
- (a) the applicant, or
 - (b) any person who made relevant representations in relation to the application.
- (3) In sub-paragraph (2) “relevant representations” has the meaning given in subsection (5) of that section.

Variation of licence under section 35

- 4 (1) This paragraph applies where an application to vary a premises licence is granted (in whole or in part) under section 35.
- (2) The applicant may appeal against any decision to modify the conditions of the licence under subsection (4)(a) of that section.
- (3) Where a person who made relevant representations in relation to the application desires to contend—
- (a) that any variation made ought not to have been made, or
 - (b) that, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under subsection (4)(a) of that section,
- he may appeal against the decision.
- (4) In sub-paragraph (3) “relevant representations” has the meaning given in section 35(5).

Commencement Information

I2 Sch. 5 para. 4 in force for certain purposes at 7.2.2005 and 7.8.2005 otherwise by [S.I. 2004/2360, art. 2, Sch.](#); [S.I. 2005/2090, art. 2, Sch.](#)

Variation of licence to specify individual as premises supervisor

- 5 (1) This paragraph applies where an application to vary a premises licence is granted under section 39(2) in a case where a chief officer of police gave a notice under section 37(5) (which was not withdrawn).
- (2) The chief officer of police may appeal against the decision to grant the application.

Commencement Information

I3 Sch. 5 para. 5 in force for certain purposes at 7.2.2005 and 7.8.2005 otherwise by [S.I. 2004/2360, art. 2, Sch.](#); [S.I. 2005/2090, art. 2, Sch.](#)

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Transfer of licence

- 6 (1) This paragraph applies where an application to transfer a premises licence is granted under section 44 in a case where a chief officer of police gave a notice under section 42(6) [^{F1}or the Secretary of State gave a notice under section 42(8)] (which [^{F2}, in either case,] was not withdrawn).
- (2) The chief officer of police [^{F3}or the Secretary of State, as the case may be,] may appeal against the decision to grant the application.

Textual Amendments

- F1** Words in Sch. 5 para. 6(1) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 4 para. 24\(2\)\(a\)](#); S.I. 2017/380, reg. 2(b)
- F2** Words in Sch. 5 para. 6(1) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 4 para. 24\(2\)\(b\)](#); S.I. 2017/380, reg. 2(b)
- F3** Words in Sch. 5 para. 6(2) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 4 para. 24\(3\)](#); S.I. 2017/380, reg. 2(b)

Interim authority notice

- 7 (1) This paragraph applies where—
- (a) an interim authority notice is given in accordance with section 47, and
 - (b) a chief officer of police gives a notice under section 48(2) [^{F4}or the Secretary of State gives a notice under section 48(2B)] (which [^{F5}, in either case,] is not withdrawn).
- (2) Where the relevant licensing authority decides to cancel the interim authority notice under subsection (3) of section 48, the person who gave the interim authority notice may appeal against that decision.
- (3) Where the relevant licensing authority decides not to cancel [^{F6}the interim authority notice under section 48(3) after the giving of a notice by a chief officer of police under section 48(2),] the chief officer of police may appeal against that decision.
- [^{F7}(3A) Where the relevant licensing authority decides not to cancel the interim authority notice under section 48(3) after the giving of a notice by the Secretary of State under section 48(2B), the Secretary of State may appeal against that decision.]
- (4) Where an appeal is brought under sub-paragraph (2), the court to which it is brought may, on such terms as it thinks fit, order the reinstatement of the interim authority notice pending—
- (a) the disposal of the appeal, or
 - (b) the expiry of the interim authority period,
- whichever first occurs.
- (5) Where the court makes an order under sub-paragraph (4), the premises licence is reinstated from the time the order is made, and section 47 has effect in a case where the appeal is dismissed or abandoned before the end of the interim authority period as if—
- (a) the reference in subsection (7)(b) to the end of the interim authority period were a reference to the time when the appeal is dismissed or abandoned, and

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(b) the reference in subsection (9)(a) to the interim authority period were a reference to that period disregarding the part of it which falls after that time.

(6) In this paragraph “interim authority period” has the same meaning as in section 47.

Textual Amendments

- F4** Words in Sch. 5 para. 7(1)(b) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 4 para. 25\(2\)\(a\)](#); [S.I. 2017/380](#), reg. 2(b)
- F5** Words in Sch. 5 para. 7(1)(b) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 4 para. 25\(2\)\(b\)](#); [S.I. 2017/380](#), reg. 2(b)
- F6** Words in Sch. 5 para. 7(3) substituted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 4 para. 25\(3\)](#); [S.I. 2017/380](#), reg. 2(b)
- F7** Sch. 5 para. 7(3A) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 4 para. 25\(4\)](#); [S.I. 2017/380](#), reg. 2(b)

Review of premises licence

- 8 (1) This paragraph applies where an application for a review of a premises licence is decided under section 52.
- (2) An appeal may be made against that decision by—
- the applicant for the review,
 - the holder of the premises licence, or
 - any other person who made relevant representations in relation to the application.
- (3) In sub-paragraph (2) “relevant representations” has the meaning given in section 52(7).

^{F8}Summary review of premises licence

Textual Amendments

- F8** Sch. 5 para. 8A and cross-heading inserted (1.10.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [ss. 22\(2\)](#), [66\(2\)\(3\)](#); [S.I. 2007/2180](#), [art. 3\(a\)](#)

- 8A (1) This paragraph applies where a review of a premises licence is decided under section 53A(2)(b) (review of premises licence following review notice).
- (2) An appeal may be made against that decision by—
- the chief officer of police for the police area (or each police area) in which the premises are situated,
 - the holder of the premises licence, or
 - any other person who made relevant representations in relation to the application for the review.
- (3) In sub-paragraph (2) “relevant representations” has the meaning given in section 53C(7).]

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[^{F9}Review of interim steps

Textual Amendments

F9 Sch. 5 para. 8B and crossheading inserted (31.1.2017 for specified purposes, 6.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 137(7), 183(1)(5)(e)** (with s. 137(8)); [S.I. 2017/399](#), reg. 3(c)

- 8B (1) This paragraph applies where a review of interim steps is decided under section 53D (review of interim steps at a summary review of a premises licence).
- (2) An appeal may be made against that decision by—
- the chief officer of police for the police area (or each police area) in which the premises are situated, or
 - the holder of the premises licence.
- (3) An appeal under this paragraph must be heard by the magistrates' court within the period of 28 days beginning with the day on which the appellant commenced the appeal (see paragraph 9(2)).]

[^{F10}Summary off-sales review of premises licence

Textual Amendments

F10 Sch. 5 paras. 8C, 8D and cross-headings inserted (temp.) (22.7.2020) by virtue of [Business and Planning Act 2020 \(c. 16\)](#), **ss. 11(7), 25(1)** (with s. 11(13))

- 8C (1) This paragraph applies where an off-sales review of a premises licence is decided under section [172G\(3\)\(b\)](#) (off-sales review of premises licence following review application).
- (2) An appeal may be made against that decision by—
- the holder of the premises licence,
 - the applicant under section [172G](#), or
 - any other person who made relevant representations in relation to the application for the review.
- (3) In sub-paragraph (2) “relevant representations” has the meaning given in section [172I\(7\)](#).]

[^{F10}Review of interim steps

- 8D (1) This paragraph applies where a review of interim steps is decided under section [172J](#) (review of interim steps at an off-sales review of a premises licence).
- (2) An appeal may be made against that decision by—
- the holder of the premises licence,
 - the applicant under section [172G](#), or
 - any other person who made relevant representations in relation to the application for the review.

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- (3) An appeal under this paragraph must be heard by the magistrates' court within the period of 28 days beginning with the day on which the appellant commenced the appeal (see paragraph 9(2)).
- (4) In sub-paragraph (2) "relevant representations" has the meaning given in section 172J(8).]

General provision about appeals under this Part

- 9 (1) An appeal under this Part must be made to [^{F11}a magistrates' court].
- (2) An appeal under this Part must be commenced by notice of appeal given by the appellant to the [^{F12}designated officer] for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.
- (3) On an appeal under paragraph 2(3), 3(2)(b), 4(3), 5(2), 6(2) or 8(2)(a) or (c), the holder of the premises licence is to be the respondent in addition to the licensing authority.
- (4) On an appeal under paragraph 7(3) [^{F13}or (3A)], the person who gave the interim authority notice is to be the respondent in addition to the licensing authority.

Textual Amendments

- F11** Words in Sch. 5 para. 9(1) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 2, Sch. para. 93\(a\)](#)
- F12** Words in Sch. 5 para. 9(2) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 2, Sch. para. 93\(a\)](#)
- F13** Words in Sch. 5 para. 9(4) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 4 para. 26; S.I. 2017/380, reg. 2\(b\)](#)

PART 2 **E+W**

CLUB PREMISES CERTIFICATES

Rejection of applications relating to club premises certificates

- 10 Where a licensing authority—
- (a) rejects an application for a club premises certificate under section 72, or
- (b) rejects (in whole or in part) an application to vary a club premises certificate under section 85,
- the club that made the application may appeal against the decision.

Commencement Information

- I4** Sch. 5 para. 10(a) in force at 7.2.2005 and Sch. 5 para. 10(b) in force for certain purposes at 7.2.2005 and 7.8.2005 otherwise by [S.I. 2004/2360, art. 2, Sch.](#); [S.I. 2005/2090, art. 2, Sch.](#)

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Decision to grant club premises certificate or impose conditions etc.

- 11 (1) This paragraph applies where a licensing authority grants a club premises certificate under section 72.
- (2) The club holding the certificate may appeal against any decision—
- (a) to impose conditions on the certificate under subsection (2) or (3)(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) of that section (exclusion of qualifying club activity).
- (3) Where a person who made relevant representations in relation to the application desires to contend—
- (a) that the certificate ought not to have been granted, or
 - (b) that, on granting the certificate, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) of that section,
- he may appeal against the decision.
- (4) In sub-paragraph (3) “relevant representations” has the meaning given in section 72(7).

Variation of club premises certificate

- 12 (1) This paragraph applies where an application to vary a club premises certificate is granted (in whole or in part) under section 85.
- (2) The club may appeal against any decision to modify the conditions of the certificate under subsection (3)(b) of that section.
- (3) Where a person who made relevant representations in relation to the application desires to contend—
- (a) that any variation ought not to have been made, or
 - (b) that, when varying the certificate, the licensing authority ought not to have modified the conditions of the certificate, or ought to have modified them in a different way, under subsection (3)(b) of that section,
- he may appeal against the decision.
- (4) In sub-paragraph (3) “relevant representations” has the meaning given in section 85(5).

Commencement Information

I5 Sch. 5 para. 12 in force for certain purposes at 7.2.2005 and otherwise at 7.8.2005 by [S.I. 2004/2360, art. 2, Sch.](#); [S.I. 2005/2090, art. 2, Sch.](#)

Review of club premises certificate

- 13 (1) This paragraph applies where an application for a review of a club premises certificate is decided under section 88.
- (2) An appeal may be made against that decision by—
- (a) the applicant for the review,

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- (b) the club that holds or held the club premises certificate, or
 - (c) any other person who made relevant representations in relation to the application.
- (3) In sub-paragraph (2) “relevant representations” has the meaning given in section 88(7).

Withdrawal of club premises certificate

- 14 Where the relevant licensing authority gives notice withdrawing a club premises certificate under section 90, the club which holds or held the certificate may appeal against the decision to withdraw it.

General provision about appeals under this Part

- 15 (1) An appeal under this Part must be made to [F14a magistrates' court].
- (2) An appeal under this Part must be commenced by notice of appeal given by the appellant to the [designated officer] for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.
- (3) On an appeal under paragraph 11(3), 12(3) or 13(2)(a) or (c), the club that holds or held the club premises certificate is to be the respondent in addition to the licensing authority.

Extent Information

E1 Words in Sch. 5 para. 15(2) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 2, Sch. para. 93\(a\)](#)

Textual Amendments

F14 Words in Sch. 5 para. 15(1) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 2, Sch. para. 93\(a\)](#)

PART 3 E+W

OTHER APPEALS

Temporary event notices

- 16 (1) This paragraph applies where—
- (a) a [F15standard] temporary event notice is given under section 100, and
 - (b) a [F16relevant person] gives an objection notice in accordance with section 104(2).
- (2) Where the relevant licensing authority gives a counter notice under section 105(3), the premises user may appeal against that decision.
- (3) Where that authority decides not to give such a counter notice, the [F17relevant person] may appeal against that decision.

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- (4) An appeal under this paragraph must be made to [^{F18}a magistrates' court].
- (5) An appeal under this paragraph must be commenced by notice of appeal given by the appellant to the [^{F19}designated officer] for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.
- (6) But no appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins.
- (7) On an appeal under sub-paragraph (3), the premises user is to be the respondent in addition to the licensing authority.
- (8) In this paragraph—
 - “objection notice” has the same meaning as in section 104; ^{F20}...
 - “relevant licensing authority” has the meaning given in section 99 [^{F21}; and
 - “relevant person” has the meaning given in section 99A.]

Textual Amendments

- F15** Word in Sch. 5 para. 16(1)(a) inserted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. 114(12), 157(1) (with s. 114(13)); S.I. 2012/1129, art. 2(d)
- F16** Words in Sch. 5 para. 16(1)(b) substituted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. 112(13)(a), 157(1) (with s. 112(14)); S.I. 2012/1129, art. 2(d)
- F17** Words in Sch. 5 para. 16(3) substituted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. 112(13)(b), 157(1) (with s. 112(14)); S.I. 2012/1129, art. 2(d)
- F18** Words in s. 16(4) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, Sch. para. 93(a)
- F19** Words in s. 16(5) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, Sch. para. 93(a)
- F20** Word in Sch. 5 para. 16(8) omitted (25.4.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), ss. 112(13)(c), 157(1) (with s. 112(14)); S.I. 2012/1129, art. 2(d)
- F21** Words in Sch. 5 para. 16(8) inserted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. 112(13)(d), 157(1) (with s. 112(14)); S.I. 2012/1129, art. 2(d)

Personal licences

- 17 (1) Where a licensing authority—
 - (a) rejects an application for the grant of a personal licence under section 120, or ^{F22}(b)the applicant may appeal against that decision.
- (2) Where a licensing authority grants an application for a personal licence under [^{F23}120(7A) after the giving of a notice under section 120(5)], the chief officer of police who gave the [^{F24}notice] may appeal against that decision.
- [^{F25}(2A) Where a licensing authority grants an application for a personal licence under section 120(7A) after the giving of a notice under section 120(5B), the Secretary of State may appeal against that decision.]
- ^{F26}(3)

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- (4) Where a licensing authority revokes a personal licence under section 124(4), the holder of the licence may appeal against that decision.
- (5) Where in a case to which section 124 (convictions coming to light after grant ^{F27}...) applies—
 - (a) the chief officer of police for the licensing authority’s area gives a notice under subsection (3) of that section (and does not later withdraw it), and
 - (b) the licensing authority decides not to revoke the licence,
 the chief officer of police may appeal against the decision.
- [^{F28}(5A) Where in a case to which section 124 applies—
 - (a) the Secretary of State gives a notice under subsection (3B) of that section (and does not later withdraw it), and
 - (b) the licensing authority decides not to revoke the licence,
 the Secretary of State may appeal against the decision.]
- [^{F29}(5B) Where a licensing authority revokes or suspends a personal licence under section 132A(8) or (12) the holder of the licence may appeal against that decision.]
 - (6) An appeal under this paragraph must be made to [^{F30}a magistrates' court].
 - (7) An appeal under this paragraph must be commenced by notice of appeal given by the appellant to the [^{F31}designated officer] for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.
 - (8) On an appeal under sub-paragraph [^{F32}(2), (2A), (5) or (5A)], the holder of the personal licence is to be the respondent in addition to the licensing authority.
 - ^{F33}(9)
 - ^{F33}(10)
 - ^{F33}(11)

Textual Amendments	
F22	Sch. 5 para. 17(1)(b) and preceding word omitted (1.4.2015) by virtue of Deregulation Act 2015 (c. 20) , s. 115(7), Sch. 18 para. 14(2) (with s. 69(2)(3)); S.I. 2015/994, art. 2(c)
F23	Words in Sch. 5 para. 17(2) substituted (6.4.2017) by Immigration Act 2016 (c. 19) , s. 94(1), Sch. 4 para. 27(2)(a) ; S.I. 2017/380, reg. 2(b)
F24	Words in Sch. 5 para. 17(2) substituted (6.4.2017) by Immigration Act 2016 (c. 19) , s. 94(1), Sch. 4 para. 27(2)(b) ; S.I. 2017/380, reg. 2(b)
F25	Sch. 5 para. 17(2A) inserted (6.4.2017) by Immigration Act 2016 (c. 19) , s. 94(1), Sch. 4 para. 27(3) ; S.I. 2017/380, reg. 2(b)
F26	Sch. 5 para. 17(3) omitted (1.4.2015) by virtue of Deregulation Act 2015 (c. 20) , s. 115(7), Sch. 18 para. 14(3) (with s. 69(2)(3)); S.I. 2015/994, art. 2(c)
F27	Words in Sch. 5 para. 17(5) omitted (1.4.2015) by virtue of Deregulation Act 2015 (c. 20) , s. 115(7), Sch. 18 para. 14(4) (with s. 69(2)(3)); S.I. 2015/994, art. 2(c)
F28	Sch. 5 para. 17(5A) inserted (6.4.2017) by Immigration Act 2016 (c. 19) , s. 94(1), Sch. 4 para. 27(4) ; S.I. 2017/380, reg. 2(b)
F29	Sch. 5 para. 17(5B) inserted (31.1.2017 for specified purposes, 6.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3) , ss. 138(4) , 183(1)(5)(e); S.I. 2017/399, reg. 3(d)

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- F30** Words in Sch. 5 para. 17(6) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 93\(b\)\(i\)](#)
- F31** Words in Sch. 5 para. 17(7) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 93\(b\)\(ii\)](#)
- F32** Words in Sch. 5 para. 17(8) substituted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 4 para. 27\(5\)](#); [S.I. 2017/380](#), reg. 2(b)
- F33** Sch. 5 para. 17(9)-(11) omitted (1.4.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 18 para. 14\(5\)](#) (with s. 69(2)(3)); [S.I. 2015/994](#), art. 2(c)

Commencement Information

- I6** Sch. 5 para. 17 (except paragraphs (1)(b)(9)(10)) in force at 7.2.2005 by [S.I. 2004/2360](#), [art. 2](#), [Sch.](#) and Sch. 5 para. 17 in force otherwise at 24.11.2005 by [S.I. 2005/3056](#), [art. 2](#) (with [Sch.](#))

Closure orders

- 18 (1) This paragraph applies where, on a review of a premises licence under section 167, the relevant licensing authority decides under subsection (5)(b) of that section—
- to take any of the steps mentioned in subsection (6) of that section, in relation to a premises licence for those premises, or
 - not to take any such step.
- (2) An appeal may be made against that decision by—
- the holder of the premises licence, or
 - any other person who made relevant representations in relation to the review.
- (3) Where an appeal is made under this paragraph against a decision to take any of the steps mentioned in section 167(6)(a) to (d) (modification of licence conditions etc.), the ^{F34} . . . magistrates' court may in a case within section 168(3) (premises closed when decision taken)—
- if the relevant licensing authority has not made an order under section 168(5) (order suspending operation of decision in whole or part), make any order under section 168(5) that could have been made by the relevant licensing authority, or
 - if the authority has made such an order, cancel it or substitute for it any order which could have been made by the authority under section 168(5).
- (4) Where an appeal is made under this paragraph in a case within section 168(6) (premises closed when decision to revoke made to remain closed pending appeal), the ^{F34} . . . magistrates court may, on such conditions as it thinks fit, order that section 168(7) (premises to remain closed pending appeal) is not to apply to the premises.
- (5) An appeal under this paragraph must be commenced by notice of appeal given by the appellant to the [^{F35}designated officer] for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the relevant licensing authority of the decision appealed against.
- (6) On an appeal under this paragraph by a person other than the holder of the premises licence, that holder is to be the respondent in addition to the licensing authority that made the decision.
- (7) In this paragraph—

Changes to legislation: Licensing Act 2003, SCHEDULE 5 is up to date with all changes known to be in force on or before 12 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

F36

“relevant licensing authority” has the same meaning as in Part 3 of this Act; and
“relevant representations” has the meaning given in section 167(9).

Textual Amendments

- F34** Words in Sch. 5 para. 18(3)(4) omitted (1.4.2005) by virtue of [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 93\(c\)\(i\)](#)
- F35** Words in Sch. 5 para. 18(5) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 93\(c\)\(ii\)](#)
- F36** Sch. 5 para. 18(7): definition of "appropriate magistrates' court" omitted (1.4.2005) by virtue of [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 93\(d\)](#)

[^{F37}PART 4 E+W

QUESTIONS ABOUT LEAVE TO ENTER OR REMAIN IN THE UK

Textual Amendments

- F37** [Sch. 5 Pt. 4](#) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 4 para. 28](#); [S.I. 2017/380](#), reg. 2(b)

- 19 On an appeal under this Schedule, a magistrates' court is not entitled to entertain any question as to whether—
- (a) an individual should be, or should have been, granted leave to enter or remain in the United Kingdom, or
 - (b) an individual has, after the date of the decision being appealed against, been granted leave to enter or remain in the United Kingdom.]

Changes to legislation:

Licensing Act 2003, SCHEDULE 5 is up to date with all changes known to be in force on or before 12 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\(2\)](#)