
Changes to legislation: Licensing Act 2003, Part 3 is up to date with all changes known to be in force on or before 24 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

APPEALS

PART 3

OTHER APPEALS

Temporary event notices

- 16 (1) This paragraph applies where—
- (a) a [^{F1}standard] temporary event notice is given under section 100, and
 - (b) a [^{F2}relevant 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 [^{F3}relevant person] may appeal against that decision.
- (4) An appeal under this paragraph must be made to [^{F4}a magistrates' court].
- (5) An appeal under this paragraph must be commenced by notice of appeal given by the appellant to the [^{F5}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; ^{F6}...
 - “relevant licensing authority” has the meaning given in section 99 [^{F7}; and
 - “relevant person” has the meaning given in section 99A.]

Textual Amendments

- F1** 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)
- F2** 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)

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- F3** 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)
- F4** 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\(a\)](#)
- F5** 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\(a\)](#)
- F6** 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)
- F7** 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 ^{F8}(b)
- the applicant may appeal against that decision.
- (2) Where a licensing authority grants an application for a personal licence under [^{F9}120(7A) after the giving of a notice under section 120(5)], the chief officer of police who gave the [^{F10}notice] may appeal against that decision.
- [^{F11}(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.]
- ^{F12}(3)
- (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 ^{F13}...) 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.
- [^{F14}(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.]
- [^{F15}(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 [^{F16}a magistrates' court].
 - (7) An appeal under this paragraph must be commenced by notice of appeal given by the appellants to the [^{F17}designated officer] for the magistrates' court within the period of

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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 [F18(2), (2A), (5) or (5A)], the holder of the personal licence is to be the respondent in addition to the licensing authority.

F19(9)

F19(10)

F19(11)

Textual Amendments

- F8** 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)
- F9** 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)
- F10** 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)
- F11** 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)
- F12** 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)
- F13** 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)
- F14** 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)
- F15** Sch. 5 para. 17(3) 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)
- F16** 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\(b\)\(i\)](#)
- F17** 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\(b\)\(ii\)](#)
- F18** 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)
- F19** 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

- II** 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—
- (a) to take any of the steps mentioned in subsection (6) of that section, in relation to a premises licence for those premises, or
 - (b) not to take any such step.
- (2) An appeal may be made against that decision by—

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- (a) the holder of the premises licence, or
 - (b) 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 ^{F20} . . . magistrates' court may in a case within section 168(3) (premises closed when decision taken)—
- (a) 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
 - (b) 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 ^{F20} . . . 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 [^{F21}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—
- ^{F22}
- “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

- F20** 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)**
- F21** 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)**
- F22** 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)**

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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)