



Licensing Act 2003

2003 CHAPTER 17

PART 3

PREMISES LICENCES

Interim authority notices

48 Cancellation of interim authority notice following ^{F1}... objections

(1) [^{F2}Subsection (2)] applies where—

- (a) an interim authority notice by a person (“the relevant person”) is given in accordance with section 47,
- (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 [^{F3}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 [^{F4}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.

[^{F5}(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.

Changes to legislation: Licensing Act 2003, Section 48 is up to date with all changes known to be in force on or before 20 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

- (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- (3) Where a notice is given [^{F6}under subsection (2) or (2B)] (and not withdrawn), the authority must—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 [^{F7}person who gave the notice] agree that a hearing is unnecessary, and
 - [^{F8}(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.
- [^{F9}(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).
- (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

- F1** 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)
- F2** 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)
- F3** 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)
- F4** 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)
- F5** 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)
- F6** 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)
- F7** 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)

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- F8** 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)
- F9** 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)

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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\(2\)](#)