



# Gambling Act 2005

## 2005 CHAPTER 19

### PART 9

#### TEMPORARY USE OF PREMISES

##### *Procedure*

#### **226 Appeal**

- (1) This section applies where a licensing authority—
  - (a) give a counter-notice under section 224, or
  - (b) give a notice under section 225.
- (2) Any of the following may appeal—
  - (a) the person who gave the temporary use notice, and
  - (b) a person who was entitled to receive a copy of the temporary use notice under section 219.
- (3) An appeal under this section must be instituted—
  - (a) in the magistrates' court for a local justice area in which the premises to which the temporary use notice relates are wholly or partly situated,
  - (b) by notice of appeal given to the designated officer, and
  - (c) within the period of 14 days beginning with the day on which the appellant receives notice of the action against which the appeal is brought.
- (4) A person who was entitled to receive a copy of the temporary use notice under section 219 must determine whether to appeal, and institute any appeal, as soon as is reasonably practicable.
- (5) Where an appeal is brought against the giving of a notice under section 225 the person who gave the temporary use notice shall be a respondent in addition to the licensing authority.
- (6) On an appeal under this section the magistrates' court may—

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*Changes to legislation: There are currently no known outstanding effects for the Gambling Act 2005, Section 226. (See end of Document for details)*

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- (a) dismiss the appeal;
  - (b) direct the licensing authority to take action of a specified kind;
  - (c) remit the case to the licensing authority to decide in accordance with a direction of the court;
  - (d) make an order about costs.
- (7) Subsection (2) applies to a decision of a licensing authority following remittal under subsection (6)(c) above.
- (8) A party to an appeal under this section may bring a further appeal to the High Court on a point of law.
- (9) In relation to premises in Scotland—
- (a) subsection (3)(a) shall have effect as if it referred to a sheriff within whose sheriffdom the premises are wholly or partly situated,
  - (b) subsection (3)(b) shall not have effect,
  - (c) the reference in subsection (6) to the magistrates' court shall have effect as a reference to the sheriff,
  - (d) the reference in subsection (6) to costs shall have effect as a reference to expenses, and
  - (e) the reference in subsection (8) to the High Court shall have effect as a reference to the Court of Session.

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**Commencement Information**

**II** S. 226 in force at 1.12.2007 by S.I. 2007/3155, art. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Gambling Act 2005, Section 226.