

SCHEDULES

SCHEDULE 12

ENTITLEMENT TO MAKE AN APPLICATION FOR A LICENCE TO THE BOARD

Application to Board

- 1 (1) A licensable body may apply to the Board for a decision that the body is entitled to make an application for a licence to the Board acting in its capacity as a licensing authority.
- (2) An application under sub-paragraph (1) may be made only on one of the grounds specified in this paragraph.
- (3) The first ground is that—
 - (a) there is no competent licensing authority, and
 - (b) there is no potentially competent licensing authority.
- (4) The second ground is that—
 - (a) each competent licensing authority has determined that it does not have suitable regulatory arrangements,
 - (b) if one or more competent licensing authorities have made an application to the Board under Part 3 of Schedule 4 for the approval of alterations of their regulatory arrangements, each of those authorities has determined that it will not have suitable regulatory arrangements if the application is granted, and
 - (c) each potentially competent licensing authority has determined that it will not have suitable regulatory arrangements if it becomes a competent licensing authority.
- (5) The third ground applies only in relation to a licensable body within sub-paragraph (6), and is that—
 - (a) the body has made an application for a licence to each competent licensing authority which has suitable regulatory arrangements, and
 - (b) no such licensing authority is prepared to grant the body a licence on terms which are appropriate to that body, having regard to the matters in section 106(5)(a) to (c) and any other matter specified in rules made by the Board for the purposes of this sub-paragraph.
- (6) The licensable bodies within this sub-paragraph are—
 - (a) a not for profit body;
 - (b) a community interest company;
 - (c) an independent trade union;
 - (d) if an order under section 106(1)(e) so provides in relation to a description of body prescribed under that section, a body of that description.