

Changes to legislation: There are currently no known outstanding effects for the Food and Environment Protection Act 1985, SCHEDULE 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

Section 8.

LICENCES—RIGHT TO MAKE REPRESENTATIONS ETC.

Modifications etc. (not altering text)

C1 Sch. 3 amended (1.7.1999) by 1999/1750, art. 4, Sch. 3 (with art. 7); [S.I. 1998/3178](#)

- 1 If within 28 days of the issue of a licence the person to whom it is issued requests the licensing authority to give him notice in writing of the reasons for the inclusion of any provision in it, the authority shall comply with his request within 28 days of receiving it.

Modifications etc. (not altering text)

C2 Sch. 3 para. 1 excluded (1.3.2010 for E.W.) by [Planning Act 2008 \(c. 29\)](#), [ss. 149\(5\), 241\(8\)](#) (with s. 226); [S.I. 2010/101](#), art. 4(e) (with art. 6)

- 2 On issuing a licence to a person a licensing authority shall notify him of the effect of paragraph 1 above.

Modifications etc. (not altering text)

C3 Sch. 3 para. 2 excluded (1.3.2010 for E.W.) by [Planning Act 2008 \(c. 29\)](#), [ss. 149\(5\), 241\(8\)](#) (with s. 226); [S.I. 2010/101](#), art. 4(e) (with art. 6)

- 3 If a licensing authority refuses an application for a licence, the authority shall give the applicant notice in writing of the reasons for the refusal.
- 4 If a licensing authority varies or revokes a licence without the holder's consent, the authority shall give the holder notice in writing of the reasons for the variation or revocation.
- 5 If within 28 days of receipt of a notice under this Schedule giving a licensing authority's reasons the person to whom it is given makes written representations to the authority concerning the matter to which the notice related, the authority shall constitute a committee to consider his representations.

Modifications etc. (not altering text)

C4 Sch. 3 paras. 5-17 continued (S.) (6.4.2011) by [The Marine \(Scotland\) Act 2010 \(Transitional and Consequential Provisions\) Order 2011 \(S.S.I. 2011/202\)](#), arts. 1, 6

- 6 A notice under this Schedule giving a licensing authority's reasons shall state the effect of paragraph 5 above.

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- C4 Sch. 3 paras. 5-17 continued (S.) (6.4.2011) by [The Marine \(Scotland\) Act 2010 \(Transitional and Consequential Provisions\) Order 2011 \(S.S.I. 2011/202\)](#), arts. 1, 6

- 7 Each licensing authority shall draw up and from time to time revise a panel of persons who are specially qualified in the authority's opinion to be members of committees constituted under this Schedule, and any such committee constituted by an authority shall be drawn from members of the authority's panel.

Modifications etc. (not altering text)

- C4 Sch. 3 paras. 5-17 continued (S.) (6.4.2011) by [The Marine \(Scotland\) Act 2010 \(Transitional and Consequential Provisions\) Order 2011 \(S.S.I. 2011/202\)](#), arts. 1, 6

- 8 If a licensing authority constitutes a committee, the authority shall appoint one of the members of the committee to be its chairman.

Modifications etc. (not altering text)

- C4 Sch. 3 paras. 5-17 continued (S.) (6.4.2011) by [The Marine \(Scotland\) Act 2010 \(Transitional and Consequential Provisions\) Order 2011 \(S.S.I. 2011/202\)](#), arts. 1, 6

- 9 It shall be the duty of the chairman--
- (a) to serve on the person who made the representations a notice requiring him to state within 14 days of receipt of the notice whether he wishes to make oral representations to the committee; and
 - (b) to serve on him, not earlier than the date of the notice under paragraph (a) above, notice of the place, date and time of the meeting of the committee.

Modifications etc. (not altering text)

- C4 Sch. 3 paras. 5-17 continued (S.) (6.4.2011) by [The Marine \(Scotland\) Act 2010 \(Transitional and Consequential Provisions\) Order 2011 \(S.S.I. 2011/202\)](#), arts. 1, 6

- 10 A notice under paragraph 9(b) above shall not specify a date for the meeting of the committee earlier than 21 days from the date of the notice, unless the person who made the representations has agreed to an earlier meeting.

Modifications etc. (not altering text)

- C4 Sch. 3 paras. 5-17 continued (S.) (6.4.2011) by [The Marine \(Scotland\) Act 2010 \(Transitional and Consequential Provisions\) Order 2011 \(S.S.I. 2011/202\)](#), arts. 1, 6

- 11 If he expresses a wish to make oral representations, the committee shall afford him an opportunity of doing so, either in person or by any person authorised by him in that behalf.

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- 12 The committee shall consider--
- (a) the reasons given by the authority under this Schedule; and
 - (b) any representations made under this Schedule,
- and shall make a report to the licensing authority after the close of their consideration, giving their findings of fact and their recommendations, and the licensing authority shall reconsider the decision of the authority to which the representations relate in the light of the report.

Modifications etc. (not altering text)

- C4 Sch. 3 paras. 5-17 continued (S.) (6.4.2011) by [The Marine \(Scotland\) Act 2010 \(Transitional and Consequential Provisions\) Order 2011 \(S.S.I. 2011/202\)](#), arts. 1, 6

- 13 The licensing authority shall notify the person who made the representations of the result of the authority's reconsideration and the reasons for it and shall send him a copy of the committee's report.

Modifications etc. (not altering text)

- C4 Sch. 3 paras. 5-17 continued (S.) (6.4.2011) by [The Marine \(Scotland\) Act 2010 \(Transitional and Consequential Provisions\) Order 2011 \(S.S.I. 2011/202\)](#), arts. 1, 6

- 14 Subject to paragraph 15 below, a licensing authority may pay to a person who makes representations under this Schedule such sum as the authority considers appropriate in respect of costs or expenses incurred by that person in connection with the making of the representations and of any hearing relating to them by a committee.

Modifications etc. (not altering text)

- C4 Sch. 3 paras. 5-17 continued (S.) (6.4.2011) by [The Marine \(Scotland\) Act 2010 \(Transitional and Consequential Provisions\) Order 2011 \(S.S.I. 2011/202\)](#), arts. 1, 6

- 15 No payment shall be made in a case where the result of the reconsideration is that the authority confirms the original decision without modification.

Modifications etc. (not altering text)

- C4 Sch. 3 paras. 5-17 continued (S.) (6.4.2011) by [The Marine \(Scotland\) Act 2010 \(Transitional and Consequential Provisions\) Order 2011 \(S.S.I. 2011/202\)](#), arts. 1, 6

- 16 A licensing authority may make arrangements for securing that such of the authority's officers as the authority considers are required are available to assist a committee constituted by the authority under this Schedule.

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- 17 A licensing authority may pay--
- (a) such fees and allowances for members of such committees;
 - (b) such other expenses of such committees,
- as the authority may, with the consent of the Treasury, determine.

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Modifications etc. (not altering text)

- C4** Sch. 3 paras. 5-17 continued (S.) (6.4.2011) by [The Marine \(Scotland\) Act 2010 \(Transitional and Consequential Provisions\) Order 2011 \(S.S.I. 2011/202\)](#), arts. 1, **6**

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