



Licensing Act 1964

1964 CHAPTER 26

PART I

THE GENERAL LICENSING SYSTEM

Appeals

21 Appeals

- (1) Subject to subsection (2) of this section, any person aggrieved by any of the following decisions of licensing justices, that is to say—
 - (a) a decision granting or refusing to grant a new justices' licence or an ordinary removal of a justices' licence ;
 - (b) a decision refusing the renewal, transfer or special removal of a justices' licence ;
 - (c) a refusal to declare a provisional grant final or to affirm a provisional grant or to give consent, on the application of the holder of a provisional licence, to a modification of plans;
 - (d) the making of an order under section 19 of this Act;
 - (e) the refusal of a consent required under section 20 of this Act; or
 - (f) any decision as to the conditions of a justices' on-licence ;may appeal to quarter sessions against that decision.
- (2) A person may not appeal against the grant of a justices' licence unless he has appeared before the licensing justices and opposed the grant; and no person may appeal against a refusal to attach conditions to a licence or to vary or revoke conditions previously attached, except the person (if any) whose application or request is required for the justices to have jurisdiction to attach or to vary or revoke the conditions.
- (3) The quarter sessions having jurisdiction to hear an appeal under subsection (1) of this section shall be the quarter sessions for the county in which the premises (that is to say, in the case of a removal, the premises to which the licence is to be removed) are situated or, if they are situated in a county borough, the quarter sessions for the

Status: This is the original version (as it was originally enacted).

county in which the borough is deemed to be situated; except that an appeal under paragraph (d) or paragraph (e) of that subsection may, if the premises are situated in a borough having a separate court of quarter sessions, be made either to the quarter sessions for the said county or to the quarter sessions for the borough.

In this subsection " county " includes the City of London.

22 Procedural provisions as to appeals

- (1) An appeal under section 21 of this Act shall be commenced by notice of appeal given by the appellant to the clerk to the licensing justices within fourteen days after the decision appealed against.
- (2) On an appeal against the grant of a justices' licence the applicant for the licence and not the licensing justices shall be respondent, and notice of appeal must be given to him as well as to the clerk to the licensing justices.
- (3) On an appeal against a refusal to grant a justices' licence, or against a decision as to conditions given on the grant of a justices' licence, any person who appeared before the licensing justices and opposed the grant shall be respondent in addition to the licensing justices; but no order for costs shall be made by virtue of this subsection against any person unless he appears at the hearing of the appeal and opposes the appeal.
- (4) On any appeal under section 21 of this Act the clerk to the licensing justices shall transmit the notice of appeal to the clerk of the peace, and the appeal shall be entered and notice thereof given by the clerk of the peace, as in a case where the justices' clerk is required to transmit the notice of an appeal from a magistrates' court; and section 85(2) of the Magistrates' Courts Act 1952 shall apply accordingly with respect to the abandonment of the appeal.
- (5) Where a person appears before licensing justices and opposes the grant of a justices' licence, his name and address shall be recorded by the clerk to the licensing justices and, in the event of an appeal against a refusal of the grant or against a decision as to conditions given on the grant, shall be transmitted to the clerk of the peace with the notice of appeal.
- (6) Where the same application to licensing justices gives rise to more than one appeal to quarter sessions, quarter sessions may give such directions as they think fit for the appeals to be heard together or separately, and where two or more appeals are heard together, quarter sessions may deal with the costs of the appeals, so far as those costs are in their discretion, as if they were a single appeal.
- (7) A justice shall not act in the hearing or determination of an appeal under section 21 of this Act from any decision in which he took part.

23 Powers of quarter sessions on appeals

- (1) On an appeal under section 21 of this Act quarter sessions may by their order confirm or reverse the decision appealed against and make any grant in the same way as the licensing justices might have done or, as the case may be, make any order which the licensing justices might have made under section 19 of this Act.
- (2) Where on any such appeal quarter sessions grant or confirm the grant of a licence or where such an appeal is against a decision as to the conditions of a licence, quarter

sessions may by their order make any provision as to the attachment of conditions which the licensing justices might have made.

- (3) The judgment of quarter sessions on any such appeal shall be final.

24 Award of costs against appellant

- (1) Subject to subsection (2) of this section, on determining an appeal under section 21 of this Act the court of quarter sessions may make such order for costs as it thinks fit.
- (2) If such an appeal, other than an appeal against the grant of a justices' licence, is dismissed the court shall order the appellant to pay to the justices against whose decision he has appealed, or such person as those justices may appoint, such sum by way of costs as is in the opinion of the court sufficient to indemnify the justices from all costs and charges whatever to which they have been put in consequence of his having served notice of appeal.
- (3) Where a court of quarter sessions is satisfied that the appellant, after giving notice of appeal to the court, has failed to prosecute the appeal, the court shall make an order under the preceding subsection as if the appeal had been dismissed.
- (4) Costs ordered to be paid under this section shall be recoverable summarily as a civil debt.

25 Award of costs of licensing justices out of local funds

- (1) Where—
- (a) an appeal under section 21 of this Act, other than an appeal against the grant of a justices' licence, is allowed, or
 - (b) quarter sessions have, under section 24(2) of this Act, awarded costs against the appellant and are satisfied that the licensing justices cannot recover those costs from him,
- the court shall order payment out of local funds of such sums as appear to the court sufficient to indemnify the licensing justices from all costs and charges whatever to which they have been put in consequence of the appellant's notice of appeal.
- (2) Costs payable out of local funds under this section shall be paid—
- (a) if the licensing district for which the licensing justices acted is a borough having a separate court of quarter sessions, out of the general rate fund of the borough; and
 - (b) in any other case, out of the county fund of the county in which the licensing district is situated.
- (3) Sections 8(1) and 11(1) of the Costs in Criminal Cases Act 1952 (which make provision for the payment out of local funds of costs ordered to be paid under that Act) shall apply to costs ordered to be paid under this section as if any reference therein to a county borough were a reference to a borough having a separate court of quarter sessions.
- (4) An order of a court of quarter sessions under this section may be made either at the sessions at which the appeal is heard, or at which it would have been heard if the appeal had been prosecuted or at the next following sessions; and the costs may be taxed either in or out of sessions.