

*These notes refer to the Licensing Act 2003 (c.17)
which received Royal Assent on 10 July 2003*

LICENSING ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

PART 3: Premises licences

Section 43 – Circumstances in which transfer application given interim effect

94. By virtue of this section a person applying for the transfer of a premises licence may request that it be given immediate effect (that is, that it takes effect from the time that the application is received by the licensing authority). Such an application generally requires the consent of the holder of the premises licence. But no consent is required if the applicant can show that he has taken all reasonable steps to obtain that consent and that he is in a position to use the premises straightaway for the licensable activities authorised by the licence. An authority must provide reasons for any decision to refuse to exempt an applicant from the requirement for consent. The effect of this section is to allow licensable activities to be carried on, at the premises, without interruption, pending the determination of an application for a transfer. The section allows for the possibility of a transfer being given interim effect even where the transferor has not given consent because in some circumstances he may be indisposed or unable to give consent, or a conflict may exist between the existing licence holder and others which does not concern the carrying on of the licensable activities for the purposes of the Act. If the application is rejected, the applicant ceases to be treated as the holder of the licence under this section and the licence reverts to the person who held it before the application was made.