



Licensing Act 2003

2003 CHAPTER 17

PART 9

MISCELLANEOUS AND SUPPLEMENTARY

Guidance, hearings etc.

182 Guidance

- (1) The Secretary of State must issue guidance (“the licensing guidance”) to licensing authorities on the discharge of their functions under this Act.
- (2) But the Secretary of State may not issue the licensing guidance unless a draft of it has been laid before, and approved by resolution of, each House of Parliament.
- (3) The Secretary of State may, from time to time, revise the licensing guidance.
- (4) A revised version of the licensing guidance does not come into force until the Secretary of State lays it before Parliament.
- (5) Where either House, before the end of the period of 40 days beginning with the day on which a revised version of the licensing guidance is laid before it, by resolution disapproves that version—
 - (a) the Secretary of State must, under subsection (3), make such further revisions to the licensing guidance as appear to him to be required in the circumstances, and
 - (b) before the end of the period of 40 days beginning with the date on which the resolution is made, lay a further revised version of the licensing guidance before Parliament.
- (6) In reckoning any period of 40 days for the purposes of subsection (5), no account is to be taken of any time during which—
 - (a) Parliament is dissolved or prorogued, or
 - (b) both Houses are adjourned for more than four days.

- (7) The Secretary of State must arrange for any guidance issued or revised under this section to be published in such manner as he considers appropriate.

183 Hearings

- (1) Regulations may prescribe the procedure to be followed in relation to a hearing held by a licensing authority under this Act and, in particular, may—
- (a) require a licensing authority to give notice of hearings to such persons as may be prescribed;
 - (b) make provision for expedited procedures in urgent cases;
 - (c) make provision about the rules of evidence which are to apply to hearings;
 - (d) make provision about the legal representation at hearings of the parties to it;
 - (e) prescribe the period within which an application, in relation to which a hearing has been held, must be determined or any other step in the procedure must be taken.
- (2) But a licensing authority may not make any order as to the costs incurred by a party in connection with a hearing under this Act.

184 Giving of notices, etc.

- (1) This section has effect in relation to any document required or authorised by or under this Act to be given to any person (“relevant document”).
- (2) Where that person is a licensing authority, the relevant document must be given by addressing it to the authority and leaving it at or sending it by post to—
- (a) the principal office of the authority, or
 - (b) any other office of the authority specified by it as one at which it will accept documents of the same description as that document.
- (3) In any other case the relevant document may be given to the person in question by delivering it to him, or by leaving it at his proper address, or by sending it by post to him at that address.
- (4) A relevant document may—
- (a) in the case of a body corporate (other than a licensing authority), be given to the secretary or clerk of that body;
 - (b) in the case of a partnership, be given to a partner or a person having the control or management of the partnership business;
 - (c) in the case of an unincorporated association (other than a partnership), be given to an officer of the association.
- (5) For the purposes of this section and section 7 of the Interpretation Act 1978 (c. 30) (service of documents by post) in its application to this section, the proper address of any person to whom a relevant document is to be given is his last known address, except that—
- (a) in the case of a body corporate or its secretary or clerk, it is the address of the registered office of that body or its principal office in the United Kingdom,
 - (b) in the case of a partnership, a partner or a person having control or management of the partnership business, it is that of the principal office of the partnership in the United Kingdom, and

- (c) in the case of an unincorporated association (other than a partnership) or any officer of the association, it is that of its principal office in the United Kingdom.
- (6) But if a relevant document is given to a person in his capacity as the holder of a premises licence, club premises certificate or personal licence, or as the designated premises supervisor under a premises licence, his relevant registered address is also to be treated, for the purposes of this section and section 7 of the Interpretation Act 1978 (c. 30), as his proper address.
- (7) In subsection (6) “relevant registered address”, in relation to such a person, means the address given for that person in the record for the licence or certificate (as the case may be) which is contained in the register kept under section 8 by the licensing authority which granted the licence or certificate.
- (8) The following provisions of the Local Government Act 1972 (c. 70) do not apply in relation to the service of a relevant document—
 - (a) section 231 (service of notices on local authorities etc.),
 - (b) section 233 (service of notices by local authorities).

185 Provision of information

- (1) This section applies to information which is held by or on behalf of a licensing authority or a responsible authority (including information obtained by or on behalf of the authority before the coming into force of this section).
- (2) Information to which this section applies may be supplied—
 - (a) to a licensing authority, or
 - (b) to a responsible authority,for the purposes of facilitating the exercise of the authority’s functions under this Act.
- (3) Information obtained by virtue of this section must not be further disclosed except to a licensing authority or responsible authority for the purposes mentioned in subsection (2).
- (4) In this section “responsible authority” means a responsible authority within the meaning of Part 3 or 4.