



# Gambling Act 2005

## 2005 CHAPTER 19

### PART 8

#### PREMISES LICENCES

##### *Appeals*

#### **206 Rights of appeal**

- (1) Where a licensing authority reject an application under this Part the applicant may appeal.
- (2) Where a licensing authority grant an application under this Part either of the following may appeal—
  - (a) a person who made representations in relation to the application, and
  - (b) the applicant.
- (3) Where a licensing authority take action under section 202 as a result of a review of a premises licence, or determine to take no action as a result of a review, any of the following may appeal—
  - (a) the licensee,
  - (b) a person who made representations in relation to the review,
  - (c) the person (if any) who applied for the review, and
  - (d) the Commission.
- (4) Where a licensing authority take action or make a determination under section 188(4) or (5) either of the following may appeal—
  - (a) the licensee, and
  - (b) the applicant for transfer.

#### **207 Process**

- (1) An appeal under section 206 in relation to premises must be instituted—

---

*Status: This is the original version (as it was originally enacted).*

---

- (a) in the magistrates' court for a local justice area in which the premises are wholly or partly situated,
  - (b) by notice of appeal given to the designated officer, and
  - (c) within the period of 21 days beginning with the day on which the appellant receives notice of the decision against which the appeal is brought.
- (2) Where an appeal is brought under section 206 the licence holder (or the applicant in the case of an appeal against the grant of an application for a premises licence) shall be a respondent in addition to the licensing authority (unless he is the appellant).
- (3) On an appeal under section 206 the magistrates' court may—
- (a) dismiss the appeal;
  - (b) substitute for the decision appealed against any decision that the licensing authority could have made;
  - (c) remit the case to the licensing authority to decide in accordance with a direction of the court;
  - (d) make an order about costs.
- (4) Section 206 applies to a decision of a licensing authority following remittal under subsection (3)(c) above.
- (5) In relation to premises in Scotland—
- (a) subsection (1)(a) shall have effect as if it referred to a sheriff within whose sheriffdom the premises are wholly or partly situated,
  - (b) subsection (1)(b) shall not have effect,
  - (c) the reference in subsection (3) to the magistrates' court shall have effect as a reference to the sheriff, and
  - (d) the reference in subsection (3) to costs shall have effect as a reference to expenses.

## **208 Stay pending appeal**

- (1) A determination or other action under this Part shall have no effect while an appeal under section 206—
- (a) could be brought, or
  - (b) has been brought and has not yet been either finally determined or abandoned.
- (2) But a licensing authority making a determination or taking other action under this Part may direct that subsection (1) shall not apply (in which case the magistrates' court or sheriff determining an appeal may make any order that it or he thinks appropriate).

## **209 Further appeal**

A party to an appeal under section 206 may appeal on a point of law—

- (a) in relation to premises in England and Wales, to the High Court, or
- (b) in relation to premises in Scotland, to the Court of Session.