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SCHEDULES

SCHEDULE 13

OWNERSHIP OF LICENSED BODIES

PART 5

ENFORCEMENT

Records of decisions

Duty to notify Board of decisions under this Schedule

- 47 (1) The relevant licensing authority must notify the Board where—
- (a) it has objected under paragraph 19, 31, or 36 to a person's holding of a restricted interest, or
 - (b) it has imposed conditions under paragraph 17, 28, or 33 on a person's holding of a restricted interest.
- (2) The notification must state—
- (a) the reasons for the objection or imposition of conditions, and
 - (b) the kind of restricted interest to which the objection or conditions related.
- (3) If the licensing authority takes any action under paragraph 43 in relation to a person notified to the Board under sub-paragraph (1), it must notify the Board of that fact.
- (4) If there is an appeal to the relevant appellate body against the objection or imposition of conditions, the licensing authority must notify the Board of the outcome of that appeal (and any subsequent appeal to the High Court).
- (5) If the licensing authority has imposed conditions on a person's holding of a restricted interest, it must notify the Board of any decision taken by it under paragraph 35 (variation and cancellation of conditions).
- (6) The licensing authority must give the person and the licensed body concerned a copy of any notification it gives the Board under this paragraph.
- 48 (1) A licensing authority must notify the Board where under paragraph 16, 17, 27 or 28 it approves the holding of a restricted interest in a licensed body by a person included in the list kept by the Board under paragraph 51.
- (2) The notification must state—
- (a) if the approval was under paragraph 17 or 28, the conditions to which the approval was subject, and
 - (b) the reasons for the licensing authority's decision to approve the person's holding of the interest.

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- (3) If the approval was under paragraph 17 or 28 and there is an appeal to the relevant appellate body against the imposition of conditions, the licensing authority must notify the Board of the outcome of that appeal (and any subsequent appeal to the High Court).
- (4) If the approval was under paragraph 17 or 28, the licensing authority must notify the Board of any decision taken by it under paragraph 35 (variation and cancellation of conditions).
- (5) The licensing authority must give the person and the licensed body concerned a copy of any notification it gives the Board under this paragraph.

Power to notify Board where share limit or voting limit breached

- 49 (1) This paragraph applies if the relevant licensing rules make the provision mentioned in paragraph 38(1)(a) or (b).
- (2) The licensing authority may, if it considers it appropriate to do so in all the circumstances of the case, notify the Board where a non-authorized person acquires—
 - (a) a shareholding in a licensed body or parent undertaking of a licensed body which exceeds the share limit, or
 - (b) an entitlement to exercise, or control the exercise of, voting rights in a licensed body or parent undertaking of a licensed body which exceeds the voting limit.
- (3) If the licensing authority proposes to make a notification under sub-paragraph (2), it must give the person and the licensed body a warning notice.
- (4) The warning notice must—
 - (a) specify the reasons for the proposed notification, and
 - (b) state that representations may be made to the licensing authority within the prescribed period.
- (5) The licensing authority must consider any representations made within the prescribed period.
- (6) If the licensing authority notifies the Board under sub-paragraph (2), it must give the person concerned and the licensed body a copy of the notification and a notice stating the reasons for the notification.
- (7) If the share limit or voting limit is breached in relation to a parent undertaking of a licensed body, references in sub-paragraphs (3) and (6) to the licensed body include the parent undertaking.
- 50 (1) The person concerned and the licensed body may before the end of the prescribed period appeal to the relevant appellate body against the notification.
- (2) The relevant appellate body may—
 - (a) dismiss the appeal, or
 - (b) allow the appeal and order the person's name to be removed from the list kept by the Board under paragraph 51.

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- (3) A party to the appeal may before the end of the prescribed period appeal to the High Court on a point of law arising from the decision of the relevant appellant body, but only with the permission of the High Court.
- (4) The High Court may make such order as it thinks fit.
- (5) The licensing authority must notify the Board of the outcome of any appeal under this paragraph, and give the person concerned and the licensed body a copy of the notification.
- (6) If the share limit or voting limit is breached in relation to a parent undertaking of a licensed body, references in sub-paragraphs (1) and (5) to the licensed body include the parent undertaking.

Board's list of persons subject to objections and conditions

- 51 (1) The Board must keep a list of the persons in respect of which it receives a notification under paragraph 47(1) or 49(2).
- (2) The list must record—
- (a) in relation to a person notified to the Board under paragraph 47(1), the information included in the notification by virtue of paragraph 47(2) and any notification under paragraph 47(3), and
 - (b) in relation to any person included in the list, the information included in any notification relating to that person under paragraph 48.
- (3) If the Board receives a notification under paragraph 47(4) or (5), 48(3) or (4) or 50(5) it must make such alterations to the list as it considers appropriate having regard to the decision of the licensing authority or the outcome of the appeal (which may include removing a person from the list).
- (4) The Board must make the list kept by it under this paragraph available to every licensing authority.