

## SCHEDULES

### SCHEDULE 4

#### LICENSING ACT 2003: AMENDMENTS RELATING TO ILLEGAL WORKING

##### PART 5

##### APPEALS

- 23 Schedule 5 to the Licensing Act 2003 (appeals) is amended as follows.
- 24 (1) Paragraph 6 (transfer of licence) is amended as follows.
- (2) In sub-paragraph (1)—
- (a) after “42(6)” insert “or the Secretary of State gave a notice under section 42(8)”;
- (b) after “(which” insert “, in either case,”.
- (3) In sub-paragraph (2), after “police” insert “or the Secretary of State, as the case may be,”.
- 25 (1) Paragraph 7 (interim authority notice) is amended as follows.
- (2) In sub-paragraph (1)(b)—
- (a) after “48(2)” insert “or the Secretary of State gives a notice under section 48(2B)”;
- (b) after “(which” insert “, in either case,”.
- (3) In sub-paragraph (3), for “the notice under that subsection,” substitute “the interim authority notice under section 48(3) after the giving of a notice by a chief officer of police under section 48(2),”.
- (4) After sub-paragraph (3) insert—
- “(3A) Where the relevant licensing authority decides not to cancel the interim authority notice under section 48(3) after the giving of a notice by the Secretary of State under section 48(2B), the Secretary of State may appeal against that decision.”
- 26 In paragraph 9 (general provision about appeals under Part 1 of Schedule 5), in sub-paragraph (4), after “paragraph 7(3)” insert “or (3A)”.
- 27 (1) Paragraph 17 (personal licences) is amended as follows.
- (2) In sub-paragraph (2)—
- (a) for “section 120(7)” substitute “120(7A) after the giving of a notice under section 120(5)”;
- (b) for “objection notice (within the meaning of section 120(5))” substitute “notice”.

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*Status: This is the original version (as it was originally enacted).*

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(3) After sub-paragraph (2) insert—

“(2A) Where a licensing authority grants an application for a personal licence under section 120(7A) after the giving of a notice under section 120(5B), the Secretary of State may appeal against that decision.”

(4) After sub-paragraph (5) insert—

“(5A) Where in a case to which section 124 applies—

- (a) the Secretary of State gives a notice under subsection (3B) of that section (and does not later withdraw it), and
  - (b) the licensing authority decides not to revoke the licence,
- the Secretary of State may appeal against the decision.”

(5) In sub-paragraph (8), for “(2), (3) or (5)” substitute “(2), (2A), (5) or (5A)”.

28           At the end insert—

#### “PART 4

##### QUESTIONS ABOUT LEAVE TO ENTER OR REMAIN IN THE UK

- 19**   On an appeal under this Schedule, a magistrates’ court is not entitled to entertain any question as to whether—
- (a) an individual should be, or should have been, granted leave to enter or remain in the United Kingdom, or
  - (b) an individual has, after the date of the decision being appealed against, been granted leave to enter or remain in the United Kingdom.”