

Changes to legislation: There are currently no known outstanding effects for the Gambling Act 2005, Cross Heading: Appeal. (See end of Document for details)

SCHEDULES

SCHEDULE 13

LICENSED PREMISES GAMING MACHINE PERMITS

Modifications etc. (not altering text)

- C1** Sch. 13 modified (1.1.2007) by [The Gambling Act 2005 \(Commencement No. 6 and Transitional Provisions\) Order 2006 \(S.I. 2006/3272\)](#), art. 1(1), **Sch. 4 para. 30**

Appeal

- 21 (1) The applicant for or holder of a permit may appeal if the licensing authority—
- (a) reject an application for a permit,
 - (b) grant an application for a permit in respect of a smaller number of machines than that specified in the application or a different category of machines from that specified in the application (or both), or
 - (c) give a notice under paragraph 16.
- (2) An appeal under this paragraph must be instituted—
- (a) in the magistrates' court for a local justice area in which the premises to which the appeal relates 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 or holder receives notice of the decision against which the appeal is brought.
- (3) On an appeal the magistrates' court may—
- (a) dismiss the appeal;
 - (b) substitute for the decision appealed against any decision that the licensing authority could have made (with effect from such date and on such transitional or other terms as the court may specify);
 - (c) restore a permit (with effect from such date and on such transitional or other terms as the court may specify);
 - (d) remit the case to the licensing authority to decide in accordance with a direction of the court;
 - (e) make an order about costs.
- (4) Sub-paragraph (1) applies to a decision of a licensing authority following remittal under sub-paragraph (3)(d).

Modifications etc. (not altering text)

- C2** Sch. 13 para. 21 applied (with modifications) (1.1.2007) by [The Gambling Act 2005 \(Commencement No. 6 and Transitional Provisions\) Order 2006 \(S.I. 2006/3272\)](#), art. 1(1), **Sch. 4 paras. 25(5), 26**

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Commencement Information

- I1** Sch. 13 para. 21 in force at 21.5.2007 for specified purposes by S.I. 2006/3272, art. 2(3), **Sch. 3** (with arts. 7-11, 7-12, Sch. 4) (as amended by SI 2007/1157, art. 3(3), 4(2))
- I2** Sch. 13 para. 21 in force at 1.8.2007 for specified purposes by S.I. 2006/3272, art. 2(3A), **Sch. 3A** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/1157, arts. 3(4), 6, Sch. 2)
- I3** Sch. 13 para. 21 in force at 1.9.2007 in so far as not already in force by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

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