
STATUTORY INSTRUMENTS

2004 No. 1309

The Adventure Activities Licensing Regulations 2004

Appeals

15.—(1) An applicant for a licence may appeal to the relevant national authority against the refusal of a licence and, subject to paragraph (2), for the purposes of this regulation a failure to issue a decision on an application within three months of the date on which the application was received by the licensing authority shall be treated as a refusal.

(2) In respect of an application for the renewal of a licence to which the provisions of regulation 7(1) apply, a failure to issue a decision within 3 months of the date of expiry of the existing licence shall be treated as a refusal.

(3) A licence-holder may appeal to the relevant national authority against—

- (a) any non-standard condition attached to a licence;
- (b) the revocation or variation of a licence; or
- (c) the refusal to vary a licence.

(4) Before the determination of an appeal the relevant national authority shall ask the appellant and the licensing authority whether they wish to appear and be heard on the appeal and—

- (a) if both of them express a wish not to appear and be heard, the appeal may be determined without a hearing of the parties;
- (b) if either of the parties expresses a wish to appear and be heard, the relevant national authority shall afford to both of them an opportunity of so doing.

(5) The Health and Safety Licensing Appeals (Hearings Procedure) Rules 1974(1) or the Health and Safety Licensing Appeals (Hearings Procedure) (Scotland) Rules 1974(2) (as appropriate) shall apply to hearings under paragraph (4) as they apply to hearings in pursuance of section 44(3) of the 1974 Act.

(6) In determining an appeal the relevant national authority may make an order—

- (a) dismissing the appeal;
- (b) allowing the appeal; or
- (c) directing the licensing authority to reconsider any matter which is the subject of the appeal.

(7) If the relevant national authority allows the appeal it shall direct the licensing authority—

- (a) where the appeal is against refusal of a licence, to grant a licence on the conditions specified in regulation 9(1) and on such other conditions relating to safety, if any, as may be specified in the direction;
- (b) where the appeal is against any non-standard condition attached to a licence, to remove the condition or vary it in the way specified in the direction;
- (c) where the appeal is against the revocation of a licence, to reinstate the licence with such variations, if any, as may be specified in the direction; or

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- (d) where the appeal is against the variation of a licence or against the refusal to vary a licence, to reinstate the licence in the form in which it was before the variation or to vary the licence in the way specified in the direction.