

SCHEDULES

SCHEDULE 6

Sections 39, 49.

PERMITS FOR PROVISION OF AMUSEMENTS WITH PRIZES

- 1 Application for the grant of a permit for the provision of amusements with prizes on any premises may be made to the local authority by the person who is, or by any person who proposes if the permit is granted to become, the occupier of those premises; and the holder of such a permit may apply to the local authority from time to time for a renewal of his permit.
- 2 Subject to the provisions of this Schedule, the grant or renewal of a permit under this Schedule shall be at the discretion of the local authority, and if the permit is granted or renewed it shall cease to be in force on such date, not being earlier than three years after the date of the grant or renewal, as the authority may specify:

Provided that, where application for the renewal of a permit is made not less than one month before the date specified as aforesaid, the permit shall not cease to be in force before the authority have made their determination on the application or the application has been withdrawn.
- 3 The local authority shall not refuse an application for the grant or renewal of a permit under this Schedule without giving the applicant or a person acting for him an opportunity of appearing before and being heard by the authority or a committee thereof, and shall not refuse an application for the renewal of such a permit otherwise than by reason of the conditions in which amusements with prizes have been provided under the permit or the manner in which those amusements have been conducted.
- 4 On any grant or renewal by the local authority of a permit under this Schedule there shall be paid to the authority by the applicant for the grant or renewal a fee of one pound.
- 5 A permit under this Schedule shall not be transferable and shall be of no effect at any time when the holder of the permit is not the occupier of the premises to which it relates; but in the event of the death of the holder of such a permit, then during the period of six months commencing with the death the permit shall be deemed to continue in force and, except for the purposes of a renewal of the permit, his legal personal representatives shall be deemed to be the holder thereof; and the local authority may from time to time, on the application of those representatives, extend or further extend the said period of six months if the authority are satisfied that the extension is necessary for the purpose of winding up the deceased's estate and that no other circumstances make it undesirable.
- 6 Where a local authority in England refuse any application for the grant or renewal of a permit under this Schedule, the authority shall forthwith inform the applicant of the refusal and furnish him with a written statement of the grounds thereof, and the applicant may appeal in accordance with the provisions of the Quarter Sessions Act 1849 to the next practicable court of quarter sessions having jurisdiction in the area of the authority and held not less than twenty-one clear days after notice of the

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

refusal is given to him, and notice of any appeal under this paragraph shall be given to the local authority and to the clerk of the peace.

- 7 Where a local authority in Scotland refuse any application for the grant or renewal of a permit under this Schedule in respect of any premises, the local authority shall forthwith notify the applicant of the refusal and furnish him with a written statement of the grounds thereof, and he may appeal, within such time, and in accordance with such rules, as may be prescribed by the Court of Session by act of sederunt, to the sheriff having jurisdiction in the area in which the premises are situated, and on any such appeal the decision of the sheriff shall be final and may include such order as to the expenses of the appeal as he thinks proper.

- 8 In the case of a refusal by the local authority to renew a permit under this Schedule, the permit shall not cease to be in force by virtue of paragraph 2 of this Schedule—
- (a) until the expiration of the time within which notice of an appeal under paragraph 6 or, as the case may be, paragraph 7 of this Schedule may be given; nor
 - (b) if such notice is duly given, until the determination or abandonment of the appeal; nor
 - (c) if the appeal succeeds, until such date as may be specified by the local authority under paragraph 2 of this Schedule on renewing the permit in consequence of the allowing of the appeal.

- 9 In this Schedule, the expression " local authority ", in relation to any premises, means—
- (a) in England, the local authority (being the council of a county borough, metropolitan borough or county district or the Common Council of the City of London) within whose area the premises are situated;
 - (b) in Scotland, where the premises are situated in a burgh, the council of that burgh, and in any other case the council of the county within which the premises are situated:

Provided that, in the case of premises in Scotland situated within a district, on each occasion on which any functions under this Schedule fall to be performed in relation to those premises by the local authority, that authority shall consult with the council of that district before exercising those functions.