

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Gaming Act 1968 (repealed), Cross Heading: Appeal in England or Wales against decision of appropriate authority. (See end of Document for details)

SCHEDULES

SCHEDULE 9

PERMITS UNDER SECTION 34

Modifications etc. (not altering text)

- C1** [Sch. 9](#): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), [reg. 2\(1\)](#), [Sch. 1](#) Table B(9)

Appeal in England or Wales against decision of appropriate authority

- 11 (1) Where on an application under this Schedule in England or Wales the appropriate authority refuse to grant or renew a permit, or grant or renew it subject to a condition, the authority shall forthwith give to the applicant notice of their decision and of the grounds on which it is made.
- (2) Where such a notice has been given, the applicant may, by notice to the clerk to the appropriate authority, appeal against the decision to [^{F1}the Crown Court.]
- (3) As soon as practicable after receiving notice of appeal against a decision of the appropriate authority, the clerk to the authority shall send the notice to [^{F2}the appropriate officer of the Crown Court] together with a statement of the decision against which the appeal is brought and of the name and last-known residence or place of business of the appellant.
- (4) On receipt of the notice of appeal, [^{F2}the appropriate officer of the Crown Court] shall enter the appeal and give to the appellant and to the appropriate authority not less than seven days' notice in writing of the date, time and place appointed for the hearing of the appeal.
- (5) A justice shall not act in the hearing or determination of an appeal under this paragraph from any decision in which he took part.

Textual Amendments

- F1** Words substituted by [Courts Act 1971 \(c. 23\)](#), [s. 56\(2\)](#), [Sch. 9 Pt. I](#)
- F2** Words substituted by [Courts Act 1971 \(c. 23\)](#), [Sch. 8 para. 2](#)

- 12 (1) Where the appeal is an appeal against a decision of a local authority refusing to grant or renew a permit, [^{F3}the Crown Court] shall not allow the appeal if satisfied that, by virtue of paragraph 7 of this Schedule, it was the duty of the authority to refuse to grant or renew the permit.

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- (2) Where the appeal is against a decision of a local authority to grant or renew a permit subject to a condition, and [^{F3}the Crown Court] is satisfied that, by virtue of paragraph 9 of this Schedule, it was the duty of the authority to grant or renew the permit subject to such a condition as is mentioned in that paragraph, the court shall not reverse or vary the decision so as—
 - (a) to grant or renew the permit unconditionally, or
 - (b) to grant or renew the permit subject to a condition limiting the number of machines to which Part III of this Act applies which may be made available for gaming on the premises to a number exceeding the number specified in the resolution of the local authority.

Textual Amendments
F3 Words substituted by [Courts Act 1971 \(c. 23\)](#), s. 56(2), [Sch. 9 Pt. I](#)

- 13 Subject to paragraph 12 of this Schedule, on any appeal under paragraph 11 of this Schedule [^{F4}the Crown Court] may by its order allow or dismiss the appeal, or reverse or vary any part of the decision of the appropriate authority, and may deal with the application as if it had been made to [^{F4}the Crown Court] in the first instance; and the judgment of [^{F4}the Crown Court] on the appeal shall be final.

Textual Amendments
F4 Words substituted by [Courts Act 1971 \(c. 23\)](#), s. 56(2), [Sch. 9 Pt. I](#)

- 14 (1) ^{F5}
- (2) Where the appropriate authority is the licensing justices for a licensing district, and [^{F6}the Crown Court]—
 - (a) has allowed such an appeal, or
 - (b) has awarded the licensing justices any costs ^{F7} and is satisfied that the licensing justices cannot recover those costs,

the court shall order payment out of [^{F8}central funds] of such sums as appear to the court sufficient to indemnify the licensing justices from all costs and charges whatever to which they have been put in consequence of the appellant’s having served notice of appeal.
- (3) ^{F9}

Textual Amendments
F5 [Sch. 9 para. 14\(1\)](#) repealed by [S.I. 1971/1292](#)
F6 Words substituted by [Courts Act 1971 \(c. 23\)](#), s. 56(2), [Sch. 9 Pt. I](#)
F7 Words repealed by [S.I. 1971/1292](#)
F8 Words substituted by [Courts Act 1971 \(c. 23\)](#), [Sch. 6 para. 13](#)
F9 [Sch. 9 para. 14\(3\)–\(5\)](#) repealed by [Courts Act 1971 \(c. 23\)](#), s. 56(4), [Sch. 11 Pt. III](#)

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