



Local Government (Miscellaneous Provisions) Act 1976

1976 CHAPTER 57

PART I

GENERAL

Places of entertainment

21 Appeal to county court against certain notices under s. 20.

- (1) A person on whom a notice other than an occasional notice is served in pursuance of the preceding section may, within six weeks beginning with the date of service of the notice, appeal to the county court against the notice on one or both of the following grounds, namely—
 - (a) that a requirement of the notice is unreasonable; and
 - (b) that it would have been fairer to serve the notice on another person who is an owner or occupier of the relevant place in question.
- (2) Where a ground of an appeal in pursuance of the preceding subsection is the ground mentioned in paragraph (b) of that subsection the other person in question shall be made a respondent to the appeal in accordance with rules of court except in a case where the rules provide that he shall not be made a respondent to the appeal.
- (3) On an appeal in pursuance of subsection (1) of this section the court shall either—
 - (a) quash the notice to which the appeal relates; or
 - (b) modify the notice so that, instead of imposing its requirements on the appellant, it imposes them upon another person who is an owner or occupier of the relevant place in question; or
 - (c) order that the appellant be entitled to recover from such a person a specified part of the expenses incurred by the appellant in complying with the notice; or
 - (d) dismiss the appeal;

Changes to legislation: There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Section 21. (See end of Document for details)

but the court shall not be entitled to exercise its powers under paragraph (b) or (c) of this subsection unless a ground of the appeal is that mentioned in paragraph (b) of subsection (1) of this section.

- (4) Where the court modifies a notice in pursuance of paragraph (b) of the preceding subsection the notice shall be deemed to be served in pursuance of the preceding section on the other person in question on the date on which the modification is made; but that person shall not be entitled to appeal against the notice in pursuance of this section.
- (5) It shall be the duty of the court, in determining whether to order that the appellant be entitled to recover from another person a part of the cost of complying with a notice, to have regard to the terms of any agreement relating to the relevant place in question to which either person is a party.
- (6) Where a person appeals in pursuance of this section against a notice, the notice shall be of no effect pending the determination of the appeal; and where the court determines the appeal otherwise than by quashing the notice it may extend the period specified in the notice in pursuance of subsection (1)(a) of the preceding section.

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