

Changes to legislation: There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1982, Cross Heading: Appeals. (See end of Document for details)

SCHEDULES

SCHEDULE 3

CONTROL OF SEX ESTABLISHMENTS

Modifications etc. (not altering text)

- C1** Sch. 3 applied (24.7.1996) by [City of Westminster Act 1996 \(c. viii\), s. 3\(1\)](#)
Sch. 3: functions of local authority not to be the responsibility of an authority's executive (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\), Sch. 1](#)
- C1** Sch. 3: power to apply with amendments (including the insertion of a new Sch. 3 para. 3A) conferred on a borough council (which has resolved, in accordance with s. 2 of this Act, that Sch. 3 shall apply to their area) by [Greater London Council \(General Powers\) Act 1986 \(c. iv\), s. 12\(1\)\(4\)](#) (coming into force in accordance with s. 12(2)(3)); and in Sch. 3 para. 3A, as so applied by a participating council, proviso (ii) is repealed by [London Local Authorities Act 1990 \(c. vii\), ss. 3, 5, 18, Sch. 1](#)
- C1** Sch. 3: power to apply with further amendments (including the insertion of a new Sch. 3 para. 3B) conferred on the City of Westminster and on any other borough council (which has resolved that Sch. 3 shall apply to their area with the amendments contained in [1986 c. iv, s. 12](#)) by [London Local Authorities Act 2007 \(c. ii\), s. 33\(2\)-\(7\)](#) (coming into force in accordance with ss. 1(4), 3, 33(1)) (as modified (6.4.2010) by [The Policing and Crime Act 2009 \(Consequential Provisions\) \(England\) Order 2010 \(S.I. 2010/723\), arts. 1\(2\), 4\(1\)-\(6\)](#) (with savings in [arts. 4\(7\)-\(9\)](#)))
- C1** Sch. 3, so far as its provisions have effect by virtue of [1986 c. iv, s. 12](#), is repealed (with savings) (6.4.2010) by [The Policing and Crime Act 2009 \(Consequential Provisions\) \(England\) Order 2010 \(S.I. 2010/723\), arts. 1\(2\), 2\(1\)](#) (with [arts. 2\(2\)-\(6\)](#))
- C1** Sch. 3: power to apply with the amendments made by [2009 c. 26, s. 27](#) (which amendments would otherwise be excluded) conferred (6.4.2010 for E., 8.5.2010 for W.) on a local authority (where that authority has, before the coming into force of [2009 c. 26, s. 27](#), resolved under s. 2 of this Act that Sch. 3 is to apply to the area of the local authority) by [Policing and Crime Act 2009 \(c. 26\), ss. 27, 116\(4\), Sch. 3 para. 2](#); [S.I. 2010/722, art. 3\(b\)](#) (with [arts. 4-12](#)); [S.I. 2010/1375, art. 3\(b\)](#)

Appeals

- 27 (1) Subject to sub-paragraphs (2) and (3) below, any of the following persons, that is to say—
- (a) an applicant for the grant, renewal or transfer of a licence under this Schedule whose application is refused;
 - (b) an applicant for the variation of the terms, conditions or restrictions on or subject to which any such licence is held whose application is refused;
 - (c) a holder of any such licence who is aggrieved by any term, condition or restriction on or subject to which the licence is held; or
 - (d) a holder of any such licence whose licence is revoked,
- may at any time before the expiration of the period of 21 days beginning with the relevant date appeal to [^{F1}a magistrates' court] .

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- (2) An applicant whose application for the grant or renewal of a licence is refused, or whose licence is revoked, on any ground specified in paragraph 12(1) above shall not have a right to appeal under this paragraph unless the applicant seeks to show that the ground did not apply to him.
- (3) An applicant whose application for the grant or renewal of a licence is refused on either ground specified in paragraph 12(3)(c) or (d) above shall not have the right to appeal under this paragraph.
- (4) In this paragraph—
^{F2}
 ...
 “the relevant date” means the date on which the person in question is notified of the refusal of his application, the imposition of the term, condition or restriction by which he is aggrieved or the revocation of his licence, as the case may be.
- (5) An appeal against the decision of a magistrates’ court under this paragraph may be brought to the Crown Court.
- (6) Where an appeal is brought to the Crown Court under sub-paragraph (5) above, the decision of the Crown Court shall be final: and accordingly in section 28(2)(b) of the ^{M1}[^{F3}Senior Courts Act 1981] for the words “or the Gaming Act 1968” there shall be substituted the words “, the Gaming Act 1968 or the Local Government (Miscellaneous Provisions) Act 1982”.
- (7) On an appeal to the magistrates’ court or the Crown Court under this paragraph the court may make such order as it thinks fit.
- (8) Subject to sub-paragraphs (9) to (12) below, it shall be the duty of the appropriate authority to give effect to an order of the magistrates’ court or the Crown Court.
- (9) The appropriate authority need not give effect to the order of the magistrates’ court until the time for bringing an appeal under sub-paragraph (5) above has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.
- (10) Where a licence is revoked or an application for the renewal of a licence is refused, the licence shall be deemed to remain in force—
 (a) until the time for bringing an appeal under this paragraph has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal; and
 (b) where an appeal relating to the refusal of an application for such a renewal is successful and no further appeal is available, until the licence is renewed by the appropriate authority.
- [^{F4}(10A) Sub-paragraph (10) does not apply if the grounds for refusing an application for the renewal of a licence are those set out in paragraph 12(3)(c) or (d) of this Schedule.]
- (11) Where—
 (a) the holder of a licence makes an application under paragraph 18 above; and
 (b) the appropriate authority impose any term, condition or restriction other than one specified in the application,
 the licence shall be deemed to be free of it until the time for bringing an appeal under this paragraph has expired.

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- (12) Where an appeal is brought under this paragraph against the imposition of any such term, condition or restriction, the licence shall be deemed to be free of it until the determination or abandonment of the appeal.

Textual Amendments

- F1** Words in Sch. 3 para. 27(1) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 1, Sch. para. 41\(a\)](#)
- F2** Words in Sch. 3 para. 27(4) omitted (1.4.2005) by virtue of [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 1, Sch. para. 41\(b\)](#)
- F3** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 11 para. 1\(2\); S.I. 2009/1604, art. 2\(d\)](#)
- F4** Sch. 3 para. 27(10A) inserted (6.4.2010 for E., 8.5.2010 for W.) by [Policing and Crime Act 2009 \(c. 26\), ss. 27\(9\), 116\(4\) \(with transitional provisions in Sch. 3\); S.I. 2010/722, art. 3\(a\) \(with arts. 4-12\); S.I. 2010/1375, art. 3\(a\) \(with transitional and saving provisions in S.I. 2010/1395, arts. 3-11\)](#)

Marginal Citations

- M1** 1981 c. 54

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