



Licensing Act 2003

2003 CHAPTER 17

PART 3

PREMISES LICENCES

[^{F1}Interim authority notices

Textual Amendments

- F1** Ss. 41A-41C and cross-heading inserted (1.7.2009 for certain purposes and 29.7.2009 otherwise) by [The Legislative Reform \(Minor Variations to Premises Licences and Club Premises Certificates\) Order 2009 \(S.I. 2009/1772\)](#), [art. 2](#)

47 Interim authority notice following death etc. of licence holder

- (1) This section applies where—
- a premises licence lapses under section 27 in a case within subsection (1)(a), (b) or (c) of that section (death, incapacity or insolvency of the holder), but
 - no application for transfer of the licence has been made by virtue of section 50 (reinstatement of licence on transfer following death etc.).
- (2) A person who—
- has a prescribed interest in the premises concerned, or
 - is connected to the person who held the premises licence immediately before it lapsed (“the former holder”),
- may, during the initial seven day period, give to the relevant licensing authority a notice (an “interim authority notice”) in respect of the licence.
- (3) Subsection (2) is subject to regulations under—
- section 54 (form etc. of notices etc.);
 - section 55 (fees to accompany applications etc.).

Status: Point in time view as at 01/10/2007.

Changes to legislation: Licensing Act 2003, Cross Heading: Interim authority notices is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) Only one interim authority notice may be given under subsection (2).
- (5) For the purposes of subsection (2) a person is connected to the former holder of the premises licence if, and only if—
 - (a) the former holder has died and that person is his personal representative,
 - [^{F2}(b) the former holder lacks capacity (within the meaning of the Mental Capacity Act 2005) to hold the licence and that person acts for him under an enduring power of attorney or lasting power of attorney registered under that Act,]
 - (c) the former holder has become insolvent and that person is his insolvency practitioner.
- (6) Where an interim authority notice is given in accordance with this section—
 - (a) the premises licence is reinstated from the time the notice is received by the relevant licensing authority, and
 - (b) the person who gave the notice is from that time the holder of the licence.
- (7) But the premises licence lapses again—
 - (a) at the end of the initial seven day period unless before that time the person who gave the interim authority notice has given a copy of the notice to the chief officer of police for the police area (or each police area) in which the premises are situated;
 - (b) at the end of the interim authority period, unless before that time a relevant transfer application is made to the relevant licensing authority.
- (8) Nothing in this section prevents the person who gave the interim authority notice from making a relevant transfer application.
- (9) If—
 - (a) a relevant transfer application is made during the interim authority period, and
 - (b) that application is rejected or withdrawn,
 the licence lapses again at the time of the rejection or withdrawal.
- (10) In this section—
 - “becomes insolvent” is to be construed in accordance with section 27;
 - “initial seven day period”, in relation to a licence which lapses as mentioned in subsection (1), means the period of seven days beginning with the day after the day the licence lapses;
 - “insolvency practitioner”, in relation to a person, means a person acting as an insolvency practitioner in relation to him (within the meaning of section 388 of the Insolvency Act 1986 (c. 45));
 - “interim authority period” means the period beginning with the day on which the interim authority notice is received by the relevant licensing authority and ending—
 - (a) two months after that day, or
 - (b) if earlier, when it is terminated by the person who gave the interim authority notice notifying the relevant licensing authority to that effect;
 - ^{F3}
 - “relevant transfer application” in relation to the premises licence, is an application under section 42 which is given interim effect by virtue of section 43.

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Textual Amendments

- F2** S. 47(5)(b) substituted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), ss. 67(1), 68(1)-(3), [Sch. 6 para. 46\(3\)\(a\)](#) (with ss. 27, 28, 29, 62); [S.I. 2007/1897](#), [art. 2](#)
- F3** S. 47(10): definition of "mentally incapable" repealed (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), ss. 67(1)(2), 68(1)-(3), [Sch. 6 para. 46\(3\)\(b\)](#), [Sch. 7](#) (with ss. 27, 28, 29, 62); [S.I. 2007/1897](#), [art. 2](#)

Commencement Information

- I1** S. 47(2)(a) in force at 16.12.2003 by [S.I. 2003/3222](#), [art. 2](#), [Sch.](#) and s. 47 otherwise in force at 24.11.2005 by [S.I. 2005/3056](#), [art. 2](#) (with [Sch.](#))

48 Cancellation of interim authority notice following police objections

- (1) This section applies where—
- an interim authority notice by a person (“the relevant person”) is given in accordance with section 47,
 - the chief officer of police for the police area (or each police area) in which the premises are situated is given a copy of the interim authority notice before the end of the initial seven day period (within the meaning of that section), and
 - that chief officer (or any of those chief officers) is satisfied that the exceptional circumstances of the case are such that a failure to cancel the interim authority notice would undermine the crime prevention objective.
- (2) The chief officer of police must no later than 48 hours after he receives the copy of the interim authority notice give the relevant licensing authority a notice stating why he is so satisfied.
- (3) Where a notice is given by the chief officer of police (and not withdrawn), the authority must—
- hold a hearing to consider it, unless the authority, the relevant person and the chief officer of police agree that a hearing is unnecessary, and
 - having regard to the notice given by the chief officer of police, cancel the interim authority notice if it considers it necessary for the promotion of the crime prevention objective to do so.
- (4) An interim authority notice is cancelled under subsection (3)(b) by the licensing authority giving the relevant person a notice stating that it is cancelled and the authority’s reasons for its decision.
- (5) The licensing authority must give a copy of a notice under subsection (4) to the chief officer of police for the police area (or each police area) in which the premises are situated.
- (6) The premises licence lapses if, and when, a notice is given under subsection (4).
- This is subject to paragraph 7(5) of Schedule 5 (reinstatement of premises licence where appeal made against cancellation of interim authority notice).
- (7) The relevant licensing authority must not cancel an interim authority notice after a relevant transfer application (within the meaning of section 47) is made in respect of the premises licence.

Status: Point in time view as at 01/10/2007.

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49 Supplementary provision about interim authority notices

- (1) On receipt of an interim authority notice, the relevant licensing authority must issue to the person who gave the notice a copy of the licence and a copy of the summary (in each case certified by the authority to be a true copy).
- (2) The copies issued under this section must be copies of the premises licence and summary in the form in which they existed immediately before the licence lapsed under section 27, except that they must specify the person who gave the interim authority notice as the person who is the holder.
- (3) This Act applies in relation to a copy issued under this section as it applies in relation to an original licence or summary.
- (4) Where a person becomes the holder of a premises licence by virtue of section 47, he must (unless he is the designated premises supervisor under the licence) forthwith notify the supervisor (if any) of the interim authority notice.
- (5) A person commits an offence if he fails, without reasonable excuse, to comply with subsection (4).
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

Status:

Point in time view as at 01/10/2007.

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