



Licensing Act 2003

2003 CHAPTER 17

PART 3

PREMISES LICENCES

Transfer of premises licence

42 Application for transfer of premises licence

- (1) Subject to this section, any person mentioned in section 16(1) (applicant for premises licence) may apply to the relevant licensing authority for the transfer of a premises licence to him.
- (2) Where the applicant is an individual he must be aged 18 or over.
- [^{F1}(2A) Where the applicant is an individual who is resident in the United Kingdom and the premises licence authorises premises to be used for a licensable activity within section 1(1)(a) or (d) he must also be entitled to work in the United Kingdom.]
- (3) Subsection (1) is subject to regulations under—
 - (a) section 54 (form etc. of applications etc.);
 - (b) section 55 (fees to accompany applications etc.).
- (4) An application under this section must also be accompanied by the premises licence or, if that is not practicable, a statement of the reasons for the failure to provide the licence.
- (5) The [^{F2}relevant person must give notice of the] application to the chief officer of police for the police area (or each police area) in which the premises are situated.
- [^{F3}(5ZA) Where the premises licence authorises premises to be used for a licensable activity within section 1(1)(a) or (d), the relevant person must also give notice of the application to the Secretary of State.]
- [^{F4}(5A) In [^{F5}subsections (5) and (5ZA)], “relevant person” means—

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- (a) the relevant licensing authority, in a case where the applicant submitted the application to the relevant licensing authority by means of a relevant electronic facility;
- (b) the applicant, in any other case.]
- (6) Where a chief officer of police notified under subsection (5) is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the relevant licensing authority a notice stating the reasons why he is so satisfied.
- (7) The chief officer of police must give that notice within the period of 14 days beginning with the day on which he is notified of the application under subsection (5).
- [^{F6}(8) Where the Secretary of State is given notice under subsection (5ZA) and is satisfied that the exceptional circumstances of the case are such that granting the application would be prejudicial to the prevention of illegal working in licensed premises, the Secretary of State must give the relevant licensing authority a notice stating the reasons for being so satisfied.
- (9) The Secretary of State must give that notice within the period of 14 days beginning with the day on which the Secretary of State is notified of the application under subsection (5ZA).]

Textual Amendments

- F1** S. 42(2A) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 4 para. 6(2)** (with [Sch. 4 para. 33](#)); [S.I. 2017/380](#), reg. 2(b)
- F2** Words in s. 42(5) substituted (28.12.2009) by [The Provision of Services Regulations 2009 \(S.I. 2009/2999\)](#), **reg. 49(6)** (with [regs. 2, 5](#))
- F3** S. 42(5ZA) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 4 para. 6(3)** (with [Sch. 4 para. 33](#)); [S.I. 2017/380](#), reg. 2(b)
- F4** S. 42(5A) inserted (28.12.2009) by [The Provision of Services Regulations 2009 \(S.I. 2009/2999\)](#), **reg. 49(7)** (with [regs. 2, 5](#))
- F5** Words in s. 42(5A) substituted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 4 para. 6(4)** (with [Sch. 4 para. 33](#)); [S.I. 2017/380](#), reg. 2(b)
- F6** S. 42(8)(9) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 4 para. 6(5)** (with [Sch. 4 para. 33](#)); [S.I. 2017/380](#), reg. 2(b)

43 Circumstances in which transfer application given interim effect

- (1) Where—
 - (a) an application made in accordance with section 42 includes a request that the transfer have immediate effect, and
 - (b) the requirements of this section are met,
 then, by virtue of this section, the premises licence has effect during the application period as if the applicant were the holder of the licence.
- (2) For this purpose “the application period” means the period which—
 - (a) begins when the application is received by the relevant licensing authority, and
 - (b) ends—
 - (i) when the licence is transferred following the grant of the application,
 - or

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- (ii) if the application is rejected, when the applicant is notified of the rejection, or
 - (iii) when the application is withdrawn.
- (3) Subject to subsections (4) and (5), an application within subsection (1)(a) may be made only with the consent of the holder of the premises licence.
- (4) Where a person is the holder of the premises licence by virtue of an interim authority notice under section 47, such an application may also be made by that person.
- (5) The relevant licensing authority must exempt the applicant from the requirement to obtain the holder's consent if the applicant shows to the authority's satisfaction—
- (a) that he has taken all reasonable steps to obtain that consent, and
 - (b) that, if the application were one to which subsection (1) applied, he would be in a position to use the premises during the application period for the licensable activity or activities authorised by the premises licence.
- (6) Where the relevant licensing authority refuses to exempt an applicant under subsection (5), it must notify the applicant of its reasons for that decision.

Commencement Information

- II** S. 43(1)(2)(5)(6) in force and s. 43(3) in force "apart from the reference to subsection (4)" at 7.8.2005 by [S.I. 2005/2090](#), [art. 2](#), [Sch.](#); s. 43 otherwise in force in force at 24.11.2005 by [S.I. 2005/3056](#), [art. 2](#) (with [Sch.](#))

44 Determination of transfer application

- (1) This section applies where an application for the transfer of a licence is made in accordance with section 42.
- (2) Subject to subsections (3) and (5), the authority must transfer the licence in accordance with the application.
- (3) The authority must reject the application if none of the conditions in subsection (4) applies.
- (4) The conditions are—
- (a) that section 43(1) (applications given interim effect) applies to the application,
 - (b) that the holder of the premises licence consents to the transfer,
 - (c) that the applicant is exempted under subsection (6) from the requirement to obtain the holder's consent to the transfer.
- (5) Where a notice is given under section 42(6) [^{F7}or (8)] (and not withdrawn), and subsection (3) above does not apply, the authority must—
- (a) hold a hearing to consider it, unless the authority, the applicant and the [^{F8}person] who gave the notice agree that a hearing is unnecessary, and
 - [^{F9}(b) having regard to the notice—
 - (i) where the notice is given under section 42(6), reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so, or

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- (ii) where the notice is given under section 42(8), reject the application if it considers it appropriate for the prevention of illegal working in licensed premises to do so.]
- (6) The relevant licensing authority must exempt the applicant from the requirement to obtain the holder's consent if the applicant shows to the authority's satisfaction—
 - (a) that he has taken all reasonable steps to obtain that consent, and
 - (b) that, if the application were granted, he would be in a position to use the premises for the licensable activity or activities authorised by the premises licence.
- (7) Where the relevant licensing authority refuses to exempt an applicant under subsection (6), it must notify the applicant of its reasons for that decision.

Textual Amendments

- F7** Words in s. 44(5) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 4 para. 7\(2\)](#); S.I. 2017/380, reg. 2(b)
- F8** Word in s. 44(5)(a) substituted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 4 para. 7\(3\)](#); S.I. 2017/380, reg. 2(b)
- F9** S. 44(5)(b) substituted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 4 para. 7\(4\)](#); S.I. 2017/380, reg. 2(b)

45 Notification of determination under section 44

- (1) Where an application under section 42 is granted or rejected, the relevant licensing authority must give a notice to that effect to—
 - (a) the applicant, and
 - (b) the chief officer of police for the police area (or each police area) in which the premises are situated.
- (2) Where a chief officer of police gave a notice under subsection (6) of that section [^{F10}or the Secretary of State gave a notice under subsection (8) of that section][^{F11}(which, in either case,] was not withdrawn), the notice under subsection (1) of this section must state the licensing authority's reasons for granting or rejecting the application.
- [^{F12}(2A) Where the Secretary of State gave a notice under subsection (8) of section 42 (which was not withdrawn), the notice under subsection (1) of this section must also be given to the Secretary of State.]
- (3) Where the application is granted, the notice under subsection (1) must specify the time when the transfer takes effect.

That time is the time specified in the application or, if that time is before the applicant is given that notice, such later time as the relevant licensing authority specifies in the notice.
- (4) The relevant licensing authority must also give a copy of the notice given under subsection (1)—
 - (a) where the application is granted—
 - (i) to the holder of the licence immediately before the application was granted, or

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- (ii) if the application was one to which section 43(1) applied, to the holder of the licence immediately before the application was made (if any),
- (b) where the application is rejected, to the holder of the premises licence (if any).

Textual Amendments

- F10** Words in s. 45(2) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 4 para. 8\(2\)\(a\)](#); [S.I. 2017/380](#), reg. 2(b)
- F11** Words in s. 45(2) substituted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 4 para. 8\(2\)\(b\)](#); [S.I. 2017/380](#), reg. 2(b)
- F12** [S. 45\(2A\)](#) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 4 para. 8\(3\)](#); [S.I. 2017/380](#), reg. 2(b)

46 Duty to notify designated premises supervisor of transfer

- (1) This section applies where—
 - (a) an application is made in accordance with section 42 to transfer a premises licence in respect of which there is a designated premises supervisor, and
 - (b) the applicant and that supervisor are not the same person.
- (2) Where section 43(1) applies in relation to the application, the applicant must forthwith notify the designated premises supervisor of the application.
- (3) If the application is granted, the applicant must forthwith notify the designated premises supervisor of the transfer.
- (4) A person commits an offence if he fails, without reasonable excuse, to comply with this section.
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5A inserted by [2015 c. 20 s. 67\(2\)](#)Sch. 17
- s. 2(1A) inserted by [2015 c. 20 s. 67\(1\)](#)
- s. 10(4)(e) and word inserted by [2011 c. 13 s. 121\(3\)\(b\)](#)
- s. 140(2)(e) inserted by [2015 c. 20 s. 67\(4\)\(b\)](#)
- s. 141(2)(e) inserted by [2015 c. 20 s. 67\(5\)\(b\)](#)
- s. 143(2)(e) inserted by [2015 c. 20 s. 67\(6\)\(b\)](#)
- s. 144(2)(e) inserted by [2015 c. 20 s. 67\(7\)\(b\)](#)
- s. 147A(4)(c) inserted by [2015 c. 20 s. 67\(8\)\(b\)](#)
- s. 153(4)(d) inserted by [2015 c. 20 s. 67\(9\)\(b\)](#)
- s. 197(3)(cza) inserted by [2015 c. 20 s. 67\(12\)\(a\)](#)
- s. 197A197B inserted by [2011 c. 13 s. 121\(2\)](#)