
Changes to legislation: There are currently no known outstanding effects for the Gambling Act 2005, Cross Heading: Appeal. (See end of Document for details)

SCHEDULES

SCHEDULE 10

FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

Appeal

- 22 (1) The applicant for or holder of a permit may appeal if the licensing authority—
- (a) reject an application for the issue or renewal of a permit,
 - (b) give a notice under paragraph 14, or
 - (c) give a notice under paragraph 15(1)(b).
- (2) An appeal under this paragraph must be instituted—
- (a) in the magistrates' court for a local justice area in which the premises to which the appeal relates are wholly or partly situated,
 - (b) by notice of appeal given to the designated officer, and
 - (c) within the period of 21 days beginning with the day on which the appellant or holder receives notice of the decision against which the appeal is brought.
- (3) On an appeal the magistrates' court may—
- (a) dismiss the appeal;
 - (b) substitute for the decision appealed against any decision that the licensing authority could have made (with effect from such date and on such transitional or other terms as the court may specify);
 - (c) restore a permit (with effect from such date and on such transitional or other terms as the court may specify);
 - (d) remit the case to the licensing authority to decide in accordance with a direction of the court;
 - (e) make an order about costs.
- (4) Sub-paragraph (1) applies to a decision of a licensing authority following remittal under sub-paragraph (3)(d).
- (5) In relation to premises in Scotland—
- (a) sub-paragraph (2)(a) shall have effect as if it referred to a sheriff within whose sheriffdom the premises are wholly or partly situated,
 - (b) sub-paragraph (2)(b) shall not have effect,
 - (c) the reference in sub-paragraph (3) to the magistrates' court shall have effect as a reference to the sheriff, and
 - (d) the reference in sub-paragraph (3) to costs shall have effect as a reference to expenses.

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Commencement Information

- I1** Sch. 10 para. 22 in force at 21.5.2007 by S.I. 2006/3272, art. 2(2), **Sch. 2** (with arts. 7-11, 7-12, Sch. 4) (as amended by S.I. 2007/1157, arts. 3(3), 4)
- I2** Sch. 10 para. 22 in force at 1.9.2007 in so far as not already in force by S.I. 2006/3272, art. 2(4)(5), **Sch. 3B** (with arts. 7-11, 7-12, Sch. 4) (as inserted by S.I. 2007/2169, arts. 3, 6, Sch.)

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