

SCHEDULES

SCHEDULE 12

CLUB GAMING PERMITS AND CLUB MACHINE PERMITS

Appeal

- 25 (1) Where a licensing authority reject an application for the issue or renewal of a permit the applicant may appeal.
- (2) Where a licensing authority grant an application for the issue or renewal of a permit in relation to which an objection was made under paragraph 4, the person who made the objection may appeal.
- (3) Where a licensing authority cancel a permit the holder may appeal.
- (4) Where a licensing authority determine not to cancel a permit, any person who in accordance with regulations under paragraph 21(2)(d) made representations to the authority in connection with their consideration whether to cancel the permit may appeal.
- (5) 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 receives notice of the decision against which the appeal is brought.
- (6) On an appeal a magistrates' court may—
- (a) dismiss the appeal;
 - (b) substitute for the decision appealed against any decision that the licensing authority could have made;
 - (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.
- (7) In relation to premises in Scotland—
- (a) sub-paragraph (5)(a) shall have effect as if it referred to a sheriff within whose sheriffdom the premises are wholly or partly situated,
 - (b) sub-paragraph (5)(b) shall not have effect,
 - (c) the reference in sub-paragraph (6) to the magistrates' court shall have effect as a reference to the sheriff, and
 - (d) the reference in sub-paragraph (6)(e) to costs shall have effect as a reference to expenses.

Status: This is the original version (as it was originally enacted).

- (8) Sub-paragraphs (1) to (4) apply to a decision of a licensing authority following remittal under sub-paragraph (6)(d) above.