



# Gambling Act 2005

## 2005 CHAPTER 19

### PART 9

#### TEMPORARY USE OF PREMISES

##### *Procedure*

#### **224 Counter-notice**

- (1) This section applies where—
  - (a) a person has given a temporary use notice to a licensing authority in accordance with section 219,
  - (b) a notice of objection has been given in accordance with section 221, and
  - (c) a hearing—
    - (i) has taken place in accordance with section 222(2), or
    - (ii) has been dispensed with in accordance with section 222(3).
- (2) If the licensing authority think that the temporary use notice should not have effect or should have effect only with modification, the authority may give a counter-notice under this subsection to the person who gave the temporary use notice.
- (3) A counter-notice may provide for the temporary use notice—
  - (a) not to have effect;
  - (b) to have effect only in respect of a specified activity;
  - (c) to have effect only in respect of activity carried on during a specified period of time or at specified times of day;
  - (d) to have effect subject to compliance with a specified condition;and provision made under this subsection shall have effect.
- (4) A counter-notice must—
  - (a) be in the prescribed form,
  - (b) contain the prescribed information, and

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*Status: This is the original version (as it was originally enacted).*

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- (c) be given as soon as is reasonably practicable.
- (5) A counter-notice must state the licensing authority's reasons for giving it.
- (6) Where a licensing authority give a counter-notice they shall as soon as is reasonably practicable give a copy to any person who was entitled to receive a copy of the temporary use notice.
- (7) Section 153(1) shall apply to the exercise of a licensing authority's functions under this section as it applies to the exercise of a licensing authority's functions under Part 8.
- (8) In this section "prescribed" means prescribed by regulations made by the Secretary of State.