

Status: Point in time view as at 06/04/2017.

Changes to legislation: Immigration Act 2016, PART 5 is up to date with all changes known to be in force on or before 23 May 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)

SCHEDULES

SCHEDULE 4

LICENSING ACT 2003: AMENDMENTS RELATING TO ILLEGAL WORKING

PART 5

APPEALS

23 Schedule 5 to the Licensing Act 2003 (appeals) is amended as follows.

Commencement Information

II Sch. 4 para. 23 in force at 6.4.2017 by S.I. 2017/380, reg. 2(b)

24 (1) Paragraph 6 (transfer of licence) is amended as follows.

(2) In sub-paragraph (1)—

- (a) after “42(6)” insert “ or the Secretary of State gave a notice under section 42(8) ”;
- (b) after “(which” insert “ , in either case, ”.

(3) In sub-paragraph (2), after “police” insert “ or the Secretary of State, as the case may be, ”.

Commencement Information

I2 Sch. 4 para. 24 in force at 6.4.2017 by S.I. 2017/380, reg. 2(b)

25 (1) Paragraph 7 (interim authority notice) is amended as follows.

(2) In sub-paragraph (1)(b)—

- (a) after “48(2)” insert “ or the Secretary of State gives a notice under section 48(2B) ”;
- (b) after “(which” insert “ , in either case, ”.

(3) In sub-paragraph (3), for “the notice under that subsection,” substitute “ the interim authority notice under section 48(3) after the giving of a notice by a chief officer of police under section 48(2), ”.

(4) After sub-paragraph (3) insert—

“(3A) Where the relevant licensing authority decides not to cancel the interim authority notice under section 48(3) after the giving of a notice by the Secretary of State under section 48(2B), the Secretary of State may appeal against that decision.”

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Commencement Information

I3 Sch. 4 para. 25 in force at 6.4.2017 by S.I. 2017/380, reg. 2(b)

- 26 In paragraph 9 (general provision about appeals under Part 1 of Schedule 5), in sub-paragraph (4), after “paragraph 7(3)” insert “ or (3A) ”.

Commencement Information

I4 Sch. 4 para. 26 in force at 6.4.2017 by S.I. 2017/380, reg. 2(b)

- 27 (1) Paragraph 17 (personal licences) is amended as follows.
- (2) In sub-paragraph (2)—
- (a) for “section 120(7)” substitute “ 120(7A) after the giving of a notice under section 120(5) ”;
- (b) for “objection notice (within the meaning of section 120(5))” substitute “ notice ”.
- (3) After sub-paragraph (2) insert—
- “(2A) Where a licensing authority grants an application for a personal licence under section 120(7A) after the giving of a notice under section 120(5B), the Secretary of State may appeal against that decision.”
- (4) After sub-paragraph (5) insert—
- “(5A) Where in a case to which section 124 applies—
- (a) the Secretary of State gives a notice under subsection (3B) of that section (and does not later withdraw it), and
- (b) the licensing authority decides not to revoke the licence,
- the Secretary of State may appeal against the decision.”
- (5) In sub-paragraph (8), for “(2), (3) or (5)” substitute “ (2), (2A), (5) or (5A) ”.

Commencement Information

I5 Sch. 4 para. 27 in force at 6.4.2017 by S.I. 2017/380, reg. 2(b)

- 28 At the end insert—

“PART 4

QUESTIONS ABOUT LEAVE TO ENTER OR REMAIN IN THE UK

- 19 On an appeal under this Schedule, a magistrates' court is not entitled to entertain any question as to whether—
- (a) an individual should be, or should have been, granted leave to enter or remain in the United Kingdom, or
- (b) an individual has, after the date of the decision being appealed against, been granted leave to enter or remain in the United Kingdom.”

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Commencement Information

I6 Sch. 4 para. 28 in force at 6.4.2017 by S.I. 2017/380, reg. 2(b)

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