



London Local Authorities Act 1995

1995 CHAPTER x

PART IV

NEAR BEER LICENSING

23 Appeals under Part IV

- (1) Any of the following persons, that is to say:—
- (a) an applicant for the grant, renewal or transfer of a near beer licence whose application is refused;
 - (b) an applicant for the grant, renewal or transfer of a near beer licence who is aggrieved by any term, condition or restriction on or subject to which the near beer licence is granted, renewed or transferred;
 - (c) an applicant for the variation of the terms, conditions or restrictions on or subject to which a near beer licence is held whose application is refused;
 - (d) an applicant for the variation of the terms, conditions or restrictions on or subject to which a near beer licence is held who is aggrieved by any term, condition or restriction contained in a further variation made consequent on the variation applied for;
 - (e) a holder of any such near beer licence whose near beer licence is revoked under section 24 (Enforcement under Part IV) of this Act;
- may at any time before the expiration of the period of 21 days beginning with the relevant date appeal to the magistrates' court acting for the petty sessions area in which the premises are situated by way of complaint for an order.
- (2) In this section “the relevant date” means the date on which the person in question is notified in writing of the refusal of his application, the imposition of the terms, conditions or restrictions by which he is aggrieved or the revocation of his near beer licence, as the case may be.
- (3) An appeal by either party against the decision of the magistrates' court under this section may be brought to the Crown Court.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (4) On an appeal to the magistrates' court or to the Crown Court under this section the court may make such order as it thinks fit and it shall be the duty of the council to give effect to such order.
- (5) Where any near beer licence is revoked under the said section 24 of this Act or an application for the renewal of such a near beer licence is refused, the near beer licence shall be deemed to remain in force—
 - (a) until the time for bringing an appeal under this section has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal; and
 - (b) where an appeal relating to the refusal of an application for such a renewal is successful until the licence is renewed by the council.
- (6) Where any near beer licence is renewed under section 16 (Licensing) of this Act and the council specify any term, condition or restriction which was not previously specified in relation to that licence, the near beer licence shall be deemed to be free of it until the time for bringing an appeal under this section has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.
- (7) Where the holder of a licence makes an application under section 22 (Variation of near beer licences) of this Act and the council make the variation applied for together with a further variation, then the licence shall continue as it was before the application—
 - (a) until the time for bringing an appeal under this section against any term, condition or restriction contained in the further variation has expired; and
 - (b) where any such appeal is brought, until the determination or abandonment of the appeal.