



Licensing Act 1964 (repealed)

1964 CHAPTER 26

PART I **E+W**

THE GENERAL LICENSING SYSTEM

Appeals

21 Appeals. **E+W**

- (1) Subject to subsection (2) of this section, any person aggrieved by any of the following decisions of licensing justices, that is to say—
- (a) a decision granting or refusing to grant a new justices' licence or an ordinary removal of a justices' licence;
 - (b) a decision refusing the renewal, transfer or special removal of a justices' licence;
 - (c) a refusal to declare a provisional grant final or to affirm a provisional grant or to give consent, on the application of the holder of a provisional licence, to a modification of plans;
 - (d) the making of an order under section 19 of this Act;
 - (e) the refusal of a consent required under section 20 of this Act;
 - ^{F1}(ee) the revocation of a justices' licence; or]
 - (f) any decision as to the conditions of a justices' on-licence;
- may appeal to [^{F2}the Crown Court] against that decision.
- (2) A person may not appeal against the grant of a justices' licence unless he has appeared before the licensing justices and opposed the grant; and no person may appeal against a refusal to attach conditions to a licence or to vary or revoke conditions previously attached, except the person (if any) whose application or request is required for the justices to have jurisdiction to attach or to vary or revoke the conditions.
- (3)

F3

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Changes to legislation: There are currently no known outstanding effects for the Licensing Act 1964 (repealed), Cross Heading: Appeals. (See end of Document for details)

[^{F4}(4) Where the holder of a justices' licence gives notice of appeal against a refusal by the licensing justices to renew that licence [^{F5}or a decision by the licensing justices to revoke it], the licensing justices or [^{F2}the Crown Court] having jurisdiction to hear the appeal may, on such conditions as they think fit, order that the licence shall continue in force until the determination of the appeal notwithstanding that the appeal is not determined until after the date when the licence would otherwise cease to have effect.]

Textual Amendments

- F1** S. 21(1) para.(e) substituted for word "or" by Licensing Act 1988 (c. 17, SIF 68A:1), s. 19, **Sch. 3 para. 3(a)**
- F2** Words substituted by virtue of Courts Act 1971 (c. 23, SIF 37), s. 56(2), **Sch. 9 Pt. I**
- F3** Ss. 21(3), 23(1)(2) repealed by Courts Act 1971 (c. 23, SIF 37), **Sch. 11 Pt. IV**
- F4** S. 21(4) added by Finance Act 1967 (c. 54, SIF 68A:1), **Sch. 7 para. 3**
- F5** Words inserted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 19, **Sch. 3 para. 3(b)**

22 Procedural provisions as to appeals. **E+W**

- (1) An appeal under section 21 of this Act shall be commenced by notice of appeal given by the appellant to the [^{F6}chief executive] to the licensing justices within [^{F7}twenty-one days] after the decision appealed against.
 - (2) On an appeal against the grant of a justices' licence the applicant for the licence and not the licensing justices shall be respondent, and notice of appeal must be given to him as well as to the [^{F6}chief executive] to the licensing justices.
 - (3) On an appeal against a refusal to grant a justices' licence, or against a decision as to conditions given on the grant of a justices' licence, any person who appeared before the licensing justices and opposed the grant shall be respondent in addition to the licensing justices; . . . ^{F8}
- [^{F9}(3A) On an appeal against a decision to revoke a justices' licence, any person on whose application the licence was revoked shall be respondent in addition to the licensing justices.]
- (4) On any appeal under section 21 of this Act the [^{F6}chief executive to] the licensing justices shall transmit the notice of appeal to [^{F10}the appropriate officer of the Crown Court], and the appeal shall be entered and notice thereof given by [^{F10}the appropriate officer of the Crown Court], ^{F11} . . . ; and [^{F12}section 109(1) of the ^{M1}Magistrates' Courts Act 1980] shall apply accordingly with respect to the abandonment of the appeal.
 - (5) Where a person appears before licensing justices and opposes the grant of a justices' licence, his name and address shall be recorded by the clerk to the licensing justices and, in the event of an appeal against a refusal of the grant or against a decision as to conditions given on the grant, shall be transmitted to the [^{F6}chief executive] of the peace with the notice of appeal.
 - (6) Where the same application to licensing justices gives rise to more than one appeal to [^{F13}the Crown Court], [^{F13}the Crown Court] may give such directions as they think fit for the appeals to be heard together or separately, and where two or more appeals are heard together, [^{F13}the Crown Court] may deal with the costs of the appeals, so far as those costs are in their discretion, as if they were a single appeal.

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(7) A justice shall not act in the hearing or determination of an appeal under section 21 of this Act from any decision in which he took part.

Textual Amendments

- F6** Words in s. 22(1)(2)(4)(5) substituted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 paras. 36, **40** (with Sch. 14 para. 36(9)); S.I. 2001/916, **art. 2** (with Sch. 2 para. 2)
- F7** Words substituted by virtue of S.I. 1982/1109, **Sch. 3 Pt. II para. 3**
- F8** Words repealed by S.I. 1971/1292, **Sch. 3**
- F9** S. 22(3A) inserted by Licensing Act 1988 (c. 17, SIF 68A:1), s. 19, **Sch. 3 para. 4**
- F10** Words substituted by virtue of Courts Act 1971 (c. 23, SIF 37), **Sch. 8 Pt. I**
- F11** Words in s. 22(4) repealed (1.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(7)** (with Sch. 14 para. 36(9)); S.I. 2001/916, **art. 2** (with Sch. 2 para. 2)
- F12** Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154, **Sch. 7 para. 45**
- F13** Words substituted by virtue of Courts Act 1971 (c. 23, SIF 37), s. 56(2), **Sch. 9 Pt. I**

Marginal Citations

- M1** 1980 c. 43 (**82**).

23 Powers of quarter sessions on appeals. E+W

(1) ^{F14}

(3) The judgment of [^{F15}the Crown Court] on any such appeal shall be final.

[^{F16}(4) Where the Crown Court allows an appeal against the revocation of a justices' licence which has been continued in force under section 21(4) of this Act, it may order that the licence shall further continue in force until the date of the next licensing sessions for the district in which the licence is granted.]

Textual Amendments

- F14** Ss. 21(3), 23(1)(2) repealed by Courts Act 1971 (c. 23, SIF 37), **Sch. 11 Pt. IV**
- F15** Words substituted by virtue of Courts Act 1971 (c. 23, SIF 37), s. 56(2), **Sch. 9 Pt. I**
- F16** S. 23(4) inserted by Licensing Act 1988 (c. 17, SIF 68A:1), ss. 19, 20(3), **Sch. 3 para. 5**

24 ^{F17} **E+W**

Textual Amendments

- F17** S. 24 repealed by S.I. 1971/1292, **Sch. 3**

25 Award of costs of licensing justices out of local funds. E+W

(1) Where—

- (a) an appeal under section 21 of this Act, other than an appeal against the grant of a justices' licence, is allowed, or

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(b) quarter sessions have, . . . ^{F18}, awarded costs against the appellant and are satisfied that the licensing justices cannot recover those costs from him, the court shall order payment out of [^{F19}central funds] of such sums as appear to the court sufficient to indemnify the licensing justices from all costs and charges whatever to which they have been put in consequence of the appellant’s notice of appeal.

(2) ^{F20}

Textual Amendments

F18 Words repealed by S.I. 1971/1292, **Sch. 3**

F19 Words substituted by **Courts Act 1971 (c. 23, SIF 37), Sch. 6 para. 7**

F20 **S. 25(2)—(4)** repealed by **Courts Act 1971 (c. 23, SIF 37), Sch. 11 Pt. III**

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