

Status: Point in time view as at 01/04/2001.

Changes to legislation: There are currently no known outstanding effects for the Gaming Act 1968 (repealed), Cross Heading: Appeal in England or Wales by applicant. (See end of Document for details)

SCHEDULES

SCHEDULE 2

GRANT, RENEWAL, CANCELLATION AND TRANSFER OF LICENCES

Appeal in England or Wales by applicant

- 29 (1) Where on an application under this Schedule to a licensing authority in England or Wales the authority refuse to grant or renew a licence, or impose restrictions under paragraph 24 or paragraph 25 of this Schedule, the [F1proper officer of] the licensing authority shall forthwith give notice of the decision of the authority to the applicant; and, within [F2twenty-one days] from the date of service of that notice, the applicant may, by notice to the [F1proper officer of] the authority, appeal against the decision to [F3the Crown Court].
- (2) As soon as practicable after receiving notice of appeal against a decision of the licensing authority, the [F1proper officer of] the authority shall send the notice to [F3the appropriate officer of the Crown Court] together with a statement of the decision against which the appeal is brought and of the name and last-known residence or place of business of the appellant and of any person who opposed the application before the authority.
- (3) On receipt of the notice of appeal, [F3the appropriate officer of the Crown Court] shall enter the appeal and give in writing to the appellant, to the Board, to the appropriate officer of police, to the appropriate collector of duty, to any person who opposed the application before the authority and to the licensing authority not less than fourteen days' notice of the date, time and place appointed for the hearing of the appeal.
- (4) [F3The Crown Court] may by its order allow or dismiss the appeal, or reverse or vary any part of the decision of the licensing authority, whether the appeal relates to that part of it or not, and may deal with the application as if it had been made to [F3the Crown Court] in the first instance; and the judgment of [F3the Crown Court] on the appeal shall be final.
- (5) A justice shall not act in the hearing or determination of an appeal under this paragraph from any decision in which he took part.

Textual Amendments

- F1** Words in Sch. 2 para. 29(1)(2) substituted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 para. 58(9)(b) (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, art. 2(a)(ii)
- F2** Words substituted by virtue of S.I. 1982/1109, rules 6, 7, Sch. 3 Pt. II
- F3** Words substituted by Courts Act 1971 (c. 23), s. 56(2), Sch. 9 Pt. I

Status: Point in time view as at 01/04/2001.

Changes to legislation: There are currently no known outstanding effects for the Gaming Act 1968 (repealed), Cross Heading: Appeal in England or Wales by applicant. (See end of Document for details)

- (2) Where [^{F5}the Crown Court]—
 - (a) has allowed such an appeal, or
 - (b) has awarded the licensing authority any costs . . . ^{F6} and is satisfied that the licensing authority cannot recover those costs,

the court shall order payment out of [^{F7}central funds] of such sums as appear to the court sufficient to indemnify the licensing authority from all costs and charges whatever to which they have been put in consequence of the appellant’s having served notice of appeal.

(3) ^{F8}

Textual Amendments

F4 Sch. 2 para. 30(1) repealed by S.I. 1971/1292

F5 Words substituted by Courts Act 1971 (c. 23), s. 56(2), **Sch. 9 Pt. I**

F6 Words repealed by S.I. 1971/1292

F7 Words substituted by Courts Act 1971 (c. 23), **Sch. 6 para. 12**

F8 Sch. 2 para. 30(3)–(5) repealed by Courts Act 1971 (c. 23), s. 56(4), **Sch. 11 Pt. III**

Modifications etc. (not altering text)

C1 “such an appeal” means any appeal under para. 29 of Sch. 2 to this Act

Status:

Point in time view as at 01/04/2001.

Changes to legislation:

There are currently no known outstanding effects for the Gaming Act 1968 (repealed), Cross Heading: Appeal in England or Wales by applicant.