



Licensing Act 2003

2003 CHAPTER 17

PART 3

PREMISES LICENCES

Transfer of premises licence

42 Application for transfer of premises licence

- (1) Subject to this section, any person mentioned in section 16(1) (applicant for premises licence) may apply to the relevant licensing authority for the transfer of a premises licence to him.
- (2) Where the applicant is an individual he must be aged 18 or over.
- [^{F1}(2A) Where the applicant is an individual who is resident in the United Kingdom and the premises licence authorises premises to be used for a licensable activity within section 1(1)(a) or (d) he must also be entitled to work in the United Kingdom.]
- (3) Subsection (1) is subject to regulations under—
 - (a) section 54 (form etc. of applications etc.);
 - (b) section 55 (fees to accompany applications etc.).
- (4) An application under this section must also be accompanied by the premises licence or, if that is not practicable, a statement of the reasons for the failure to provide the licence.
- (5) The [^{F2}relevant person must give notice of the] application to the chief officer of police for the police area (or each police area) in which the premises are situated.
- [^{F3}(5ZA) Where the premises licence authorises premises to be used for a licensable activity within section 1(1)(a) or (d), the relevant person must also give notice of the application to the Secretary of State.]
- [^{F4}(5A) In [^{F5}subsections (5) and (5ZA)], “relevant person” means—

Changes to legislation: Licensing Act 2003, Section 42 is up to date with all changes known to be in force on or before 21 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) View outstanding changes

- (a) the relevant licensing authority, in a case where the applicant submitted the application to the relevant licensing authority by means of a relevant electronic facility;
 - (b) the applicant, in any other case.]
- (6) Where a chief officer of police notified under subsection (5) is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the relevant licensing authority a notice stating the reasons why he is so satisfied.
- (7) The chief officer of police must give that notice within the period of 14 days beginning with the day on which he is notified of the application under subsection (5).
- [^{F6}(8) Where the Secretary of State is given notice under subsection (5ZA) and is satisfied that the exceptional circumstances of the case are such that granting the application would be prejudicial to the prevention of illegal working in licensed premises, the Secretary of State must give the relevant licensing authority a notice stating the reasons for being so satisfied.
- (9) The Secretary of State must give that notice within the period of 14 days beginning with the day on which the Secretary of State is notified of the application under subsection (5ZA).]

Textual Amendments

- F1** S. 42(2A) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 4 para. 6\(2\)](#) (with [Sch. 4 para. 33](#)); [S.I. 2017/380, reg. 2\(b\)](#)
- F2** Words in s. 42(5) substituted (28.12.2009) by [The Provision of Services Regulations 2009 \(S.I. 2009/2999\), reg. 49\(6\)](#) (with [regs. 2, 5](#))
- F3** S. 42(5ZA) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 4 para. 6\(3\)](#) (with [Sch. 4 para. 33](#)); [S.I. 2017/380, reg. 2\(b\)](#)
- F4** S. 42(5A) inserted (28.12.2009) by [The Provision of Services Regulations 2009 \(S.I. 2009/2999\), reg. 49\(7\)](#) (with [regs. 2, 5](#))
- F5** Words in s. 42(5A) substituted (6.4.2017) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 4 para. 6\(4\)](#) (with [Sch. 4 para. 33](#)); [S.I. 2017/380, reg. 2\(b\)](#)
- F6** S. 42(8)(9) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 4 para. 6\(5\)](#) (with [Sch. 4 para. 33](#)); [S.I. 2017/380, reg. 2\(b\)](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5A inserted by [2015 c. 20 s. 67\(2\)](#)Sch. 17
- s. 2(1A) inserted by [2015 c. 20 s. 67\(1\)](#)
- s. 10(4)(e) and word inserted by [2011 c. 13 s. 121\(3\)\(b\)](#)
- s. 140(2)(e) inserted by [2015 c. 20 s. 67\(4\)\(b\)](#)
- s. 141(2)(e) inserted by [2015 c. 20 s. 67\(5\)\(b\)](#)
- s. 143(2)(e) inserted by [2015 c. 20 s. 67\(6\)\(b\)](#)
- s. 144(2)(e) inserted by [2015 c. 20 s. 67\(7\)\(b\)](#)
- s. 147A(4)(c) inserted by [2015 c. 20 s. 67\(8\)\(b\)](#)
- s. 153(4)(d) inserted by [2015 c. 20 s. 67\(9\)\(b\)](#)
- s. 197(3)(cza) inserted by [2015 c. 20 s. 67\(12\)\(a\)](#)
- s. 197A197B inserted by [2011 c. 13 s. 121\(2\)](#)