



Licensing Act 2003

2003 CHAPTER 17

PART 3

PREMISES LICENCES

Transfer of premises licence

43 Circumstances in which transfer application given interim effect

(1) Where—

- (a) an application made in accordance with section 42 includes a request that the transfer have immediate effect, and
- (b) the requirements of this section are met,

then, by virtue of this section, the premises licence has effect during the application period as if the applicant were the holder of the licence.

(2) For this purpose “the application period” means the period which—

- (a) begins when the application is received by the relevant licensing authority, and
- (b) ends—
 - (i) when the licence is transferred following the grant of the application, or
 - (ii) if the application is rejected, when the applicant is notified of the rejection, or
 - (iii) when the application is withdrawn.

(3) Subject to subsections (4) and (5), an application within subsection (1)(a) may be made only with the consent of the holder of the premises licence.

(4) Where a person is the holder of the premises licence by virtue of an interim authority notice under section 47, such an application may also be made by that person.

(5) The relevant licensing authority must exempt the applicant from the requirement to obtain the holder’s consent if the applicant shows to the authority’s satisfaction—

Changes to legislation: Licensing Act 2003, Section 43 is up to date with all changes known to be in force on or before 02 June 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) that he has taken all reasonable steps to obtain that consent, and
 - (b) that, if the application were one to which subsection (1) applied, he would be in a position to use the premises during the application period for the licensable activity or activities authorised by the premises licence.
- (6) Where the relevant licensing authority refuses to exempt an applicant under subsection (5), it must notify the applicant of its reasons for that decision.

Commencement Information

- II** S. 43(1)(2)(5)(6) in force and s. 43(3) in force "apart from the reference to subsection (4)" at 7.8.2005 by [S.I. 2005/2090](#), [art. 2](#), [Sch.](#); s. 43 otherwise in force in force at 24.11.2005 by [S.I. 2005/3056](#), [art. 2](#) (with [Sch.](#))

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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\(2\)](#)