



Licensing Act 2003

2003 CHAPTER 17

PART 3

PREMISES LICENCES

[^{F1}Transfer of premises licence

VALID FROM 07/08/2005

[^{F1}44 Determination of transfer application

- (1) This section applies where an application for the transfer of a licence is made in accordance with section 42.
- (2) Subject to subsections (3) and (5), the authority must transfer the licence in accordance with the application.
- (3) The authority must reject the application if none of the conditions in subsection (4) applies.
- (4) The conditions are—
 - (a) that section 43(1) (applications given interim effect) applies to the application,
 - (b) that the holder of the premises licence consents to the transfer,
 - (c) that the applicant is exempted under subsection (6) from the requirement to obtain the holder's consent to the transfer.
- (5) Where a notice is given under section 42(6) (and not withdrawn), and subsection (3) above does not apply, the authority must—
 - (a) hold a hearing to consider it, unless the authority, the applicant and the chief officer of police who gave the notice agree that a hearing is unnecessary, and
 - (b) having regard to the notice, reject the application if it considers it necessary for the promotion of the crime prevention objective to do so.

Status: Point in time view as at 01/04/2005. This version of this provision is not valid for this point in time.

Changes to legislation: Licensing Act 2003, Section 44 is up to date with all changes known to be in force on or before 24 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)

- (6) 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—
- (a) that he has taken all reasonable steps to obtain that consent, and
 - (b) that, if the application were granted, he would be in a position to use the premises for the licensable activity or activities authorised by the premises licence.
- (7) Where the relevant licensing authority refuses to exempt an applicant under subsection (6), it must notify the applicant of its reasons for that decision.]

Textual Amendments

- F1** Ss. 41A-41C and cross-heading inserted (1.7.2009 for certain purposes and 29.7.2009 otherwise) by [The Legislative Reform \(Minor Variations to Premises Licences and Club Premises Certificates\) Order 2009 \(S.I. 2009/1772\)](#), **art. 2**

Status:

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