



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 3

#### PREMISES LICENCES

##### *Transfer of premises licence*

#### **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- (5) Where a notice is given under section 42(6) (and not withdrawn), and subsection (3) above does not apply, the authority must—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.
- (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

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*Status: This is the original version (as it was originally enacted).*

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- (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.