



Licensing Act 2003

2003 CHAPTER 17

PART 3

PREMISES LICENCES

Interim authority notices

47 Interim authority notice following death etc. of licence holder

- (1) This section applies where—
- (a) a premises licence lapses under section 27 in a case within subsection (1)(a), (b) or (c) of that section (death, incapacity or insolvency of the holder), but
 - (b) no application for transfer of the licence has been made by virtue of section 50 (reinstatement of licence on transfer following death etc.).
- (2) A person who—
- (a) has a prescribed interest in the premises concerned, or
 - (b) is connected to the person who held the premises licence immediately before it lapsed (“the former holder”),
- may, during the initial seven day period, give to the relevant licensing authority a notice (an “interim authority notice”) in respect of the licence.
- (3) Subsection (2) is subject to regulations under—
- (a) section 54 (form etc. of notices etc.);
 - (b) section 55 (fees to accompany applications etc.).
- (4) Only one interim authority notice may be given under subsection (2).
- (5) For the purposes of subsection (2) a person is connected to the former holder of the premises licence if, and only if—
- (a) the former holder has died and that person is his personal representative,

Status: This is the original version (as it was originally enacted).

- (b) the former holder has become mentally incapable and that person acts for him under a power of attorney created by an instrument registered under section 6 of the Enduring Powers of Attorney Act 1985 (c. 29), or
 - (c) the former holder has become insolvent and that person is his insolvency practitioner.
- (6) Where an interim authority notice is given in accordance with this section—
- (a) the premises licence is reinstated from the time the notice is received by the relevant licensing authority, and
 - (b) the person who gave the notice is from that time the holder of the licence.
- (7) But the premises licence lapses again—
- (a) at the end of the initial seven day period unless before that time the person who gave the interim authority notice has given a copy of the notice to the chief officer of police for the police area (or each police area) in which the premises are situated;
 - (b) at the end of the interim authority period, unless before that time a relevant transfer application is made to the relevant licensing authority.
- (8) Nothing in this section prevents the person who gave the interim authority notice from making a relevant transfer application.
- (9) If—
- (a) a relevant transfer application is made during the interim authority period, and
 - (b) that application is rejected or withdrawn,
- the licence lapses again at the time of the rejection or withdrawal.
- (10) In this section—
- “becomes insolvent” is to be construed in accordance with section 27;
 - “initial seven day period”, in relation to a licence which lapses as mentioned in subsection (1), means the period of seven days beginning with the day after the day the licence lapses;
 - “insolvency practitioner”, in relation to a person, means a person acting as an insolvency practitioner in relation to him (within the meaning of section 388 of the Insolvency Act 1986 (c. 45));
 - “interim authority period” means the period beginning with the day on which the interim authority notice is received by the relevant licensing authority and ending—
 - (a) two months after that day, or
 - (b) if earlier, when it is terminated by the person who gave the interim authority notice notifying the relevant licensing authority to that effect;
 - “mentally incapable” has the same meaning as in section 27(1)(b); and
 - “relevant transfer application” in relation to the premises licence, is an application under section 42 which is given interim effect by virtue of section 43.