Gambling Act 2005

2005 CHAPTER 19

PART 8

PREMISES LICENCES

Maintenance

189   Transfer: supplemental

(1) If an application for transfer under section 188 states that the applicant has failed to contact the licensee having taken all reasonable steps to do so, the licensing authority shall—

  (a) disapply section 188(3)(b) and take all reasonable steps to notify the licensee, or

  (b) determine not to disapply section 188(3)(b) and notify the applicant of their determination and the reasons for it.

(2) An application for transfer must (in addition to anything required by section 159) be accompanied by—

  (a) the licence, or

  (b) both—

      (i) a statement explaining why it is not reasonably practicable to produce the licence, and

      (ii) an application by the licensee under section 190 for the issue of a copy of the licence.

(3) In relation to an application for transfer to which subsection (1) applies, for the purposes of any application under section 190 required in accordance with subsection (2)(b)(ii) above—

  (a) the application under that section shall be made by the applicant for transfer, and

  (b) a reference to the licence being lost, stolen or damaged shall be treated as a reference to the licence being unavailable to the applicant for transfer.

(4) Regulations under section 160, as they have effect in relation to applications for transfer by virtue of section 188(2), may require notice to be given to specified responsible authorities (and not to all responsible authorities).

(5) Section 161 shall have effect in relation to an application for transfer with the omission of the reference to interested parties.

(6) If an application for the transfer of a premises licence includes a request that this subsection apply, the licence shall have effect as if the applicant for transfer were the licensee during the period—

   (a)   beginning with the receipt of the application for transfer by the licensing authority, and

   (b)   ending with the determination of the application by the licensing authority.