



Gambling Act 2005

2005 CHAPTER 19

PART 9

TEMPORARY USE OF PREMISES

Procedure

226 Appeal

- (1) This section applies where a licensing authority—
 - (a) give a counter-notice under section 224, or
 - (b) give a notice under section 225.
- (2) Any of the following may appeal—
 - (a) the person who gave the temporary use notice, and
 - (b) a person who was entitled to receive a copy of the temporary use notice under section 219.
- (3) An appeal under this section must be instituted—
 - (a) in the magistrates' court for a local justice area in which the premises to which the temporary use notice relates are wholly or partly situated,
 - (b) by notice of appeal given to the designated officer, and
 - (c) within the period of 14 days beginning with the day on which the appellant receives notice of the action against which the appeal is brought.
- (4) A person who was entitled to receive a copy of the temporary use notice under section 219 must determine whether to appeal, and institute any appeal, as soon as is reasonably practicable.
- (5) Where an appeal is brought against the giving of a notice under section 225 the person who gave the temporary use notice shall be a respondent in addition to the licensing authority.
- (6) On an appeal under this section the magistrates' court may—

Status: This is the original version (as it was originally enacted).

- (a) dismiss the appeal;
 - (b) direct the licensing authority to take action of a specified kind;
 - (c) remit the case to the licensing authority to decide in accordance with a direction of the court;
 - (d) make an order about costs.
- (7) Subsection (2) applies to a decision of a licensing authority following remittal under subsection (6)(c) above.
- (8) A party to an appeal under this section may bring a further appeal to the High Court on a point of law.
- (9) In relation to premises in Scotland—
- (a) subsection (3)(a) shall have effect as if it referred to a sheriff within whose sheriffdom the premises are wholly or partly situated,
 - (b) subsection (3)(b) shall not have effect,
 - (c) the reference in subsection (6) to the magistrates' court shall have effect as a reference to the sheriff,
 - (d) the reference in subsection (6) to costs shall have effect as a reference to expenses, and
 - (e) the reference in subsection (8) to the High Court shall have effect as a reference to the Court of Session.