
STATUTORY INSTRUMENTS

1996 No. 772

The Adventure Activities Licensing Regulations 1996

Appeals

14.—(1) An applicant for a licence may appeal to the Secretary of State against the refusal of a licence and for the purposes of this regulation a failure to issue a decision on an application within three months of the date on which the application was received by the licensing authority shall, subject to regulation 19(4), be treated as a refusal.

(2) A licence-holder may appeal to the Secretary of State against—

- (a) any non-standard condition attached to a licence;
- (b) the revocation or variation of a licence; or
- (c) the refusal to vary a licence.

(3) Before the determination of an appeal the Secretary of State shall ask the appellant and the licensing authority whether they wish to appear and be heard on the appeal and—

- (a) the appeal may be determined without a hearing of the parties if both of them express a wish not to appear and be heard;
- (b) the Secretary of State shall, if either of the parties expresses a wish to appear and be heard, afford to both of them an opportunity of so doing.

(4) The Health and Safety Licensing Appeals (Hearings Procedure) Rules 1974(1) or the Health and Safety Licensing Appeals (Hearings Procedure) (Scotland) Rules 1974(2) (as appropriate) shall apply to hearings under paragraph (3) as they apply to hearings in pursuance of section 44(3) of the 1974 Act.

(5) The Secretary of State may dismiss or allow the appeal and if he allows the appeal he shall direct the licensing authority—

- (a) where the appeal is against refusal of a licence, to grant a licence on the conditions specified in regulation 7(1) and on such other conditions relating to safety, if any, as he may specify in the direction;
- (b) where the appeal is against any non-standard condition attached to a licence, to remove the condition or vary it in the way specified in the direction;
- (c) where the appeal is against the revocation of a licence, to reinstate the licence with such variations, if any, as he may specify in the direction; or
- (d) where the appeal is against the variation of a licence or against the refusal to vary a licence, to reinstate the licence in the form in which it was before the variation or to vary the licence in the way specified in the direction.