

SCHEDULE

Transitional provisions and savings

PART 3

Permits under section 34 of the 1968 Act

9.—(1) This paragraph applies where—

- (a) a decision is made by the licensing justices to reject the application, or to grant or renew the permit subject to a condition, but
- (b) immediately before the second appointed day either the period for appealing against that decision under paragraph 11 of Schedule 9 to the 1968 Act has not elapsed, or an appeal has been made by the applicant and that appeal has not been determined or abandoned.

(2) Subject to sub-paragraph (3), the decision of the licensing justices is to be treated for the purposes of Schedule 9 to the 1968 Act as having been made by the relevant licensing authority.

(3) Sub-paragraph (2) is to be without prejudice to paragraph 11(5) of Schedule 9 to the 1968 Act which is to continue to have effect for the purposes of any appeal to which this paragraph applies.

(4) Where an appeal is made under paragraph 11 of Schedule 9 to the 1968 Act, the relevant licensing authority is to be the respondent for the purposes of the appeal; and, in relation to the appeal, any reference in that Schedule to the appropriate authority or the clerk to the appropriate authority is to be construed accordingly.

(5) The designated officer for the relevant local justice area is to send the relevant licensing authority on the second appointed day or as soon as reasonably practicable after that day—

- (a) the application,
- (b) where an appeal is made before that day, the notices given under sub-paragraphs (1) and (2) of paragraph 11 of Schedule 9 to the 1968 Act, and
- (c) copies of any other documents or records held by him which he considers to be relevant to the application and (where an appeal has been made) to the appeal.

(6) The designated officer for the relevant local justice area is to give notice in writing to the applicant as soon as reasonably practicable on or after sending the documents referred to in sub-paragraph (5)—

- (a) indicating that the documents and records referred to in paragraphs (a) to (c) of sub-paragraph (5) have been sent to the relevant licensing authority, and
- (b) explaining the effect of sub-paragraphs (2) and (4).