

Subsidiary Legislation made under s.25.

**TRADE LICENSING (APPEAL) REGULATIONS**

**Repealed by Act. 2015-15 as from 7.10.2015**

**(LN. 1974/039)**

*Commencement*      **19.4.1974**

Amending  
enactments

Relevant current  
provisions

Commencement  
date

L.N. 1974/144 r. 4A

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**ARRANGEMENT OF REGULATIONS.**

1. Title.
2. Interpretation.
3. Time for appeal.
4. Notice to
- 4A. Extension of time.
5. Magistrate to set matter down for hearing.
6. Merits of appeal.
7. Representation.
8. Appeals.
9. Evidence.
10. Licence to be issued when appeal allowed.
11. Costs.

**Title.**

1. These regulations may be cited as the Trade Licensing (Appeal) Regulations.

**Interpretation.**

2. In these regulations unless the context otherwise requires “magistrate” means the Stipendiary Magistrate.

**Time for appeal.**

3. Any person wishing to appeal against the decision of the licensing authority upon an application made by such person shall give notice of appeal to the magistrate as in Form I of the Schedule within twenty-eight days of the decision of the licensing authority.

**Notice to**

4.(1) On giving notice of appeal to the magistrate the appellant shall serve the licensing authority with a copy of the notice of appeal.

(2) On receiving notice of appeal the licensing authority shall, within fourteen days, furnish to the magistrate and the appellant a notice as in Form II of the Schedule of the reasons for the refusal of the application or for the imposition of the terms and conditions as the case may be. There shall be attached to such notice a copy of the application made to the licensing authority by the appellant.

**Extension of time.**

4A. The magistrate may, in his discretion, extend the time for the doing of anything specified in regulations 3 and 4.

**Magistrate to set matter down for hearing.**

5. Upon receiving notice of the licensing authority’s reasons the magistrate shall set the matter down for hearing on a day being not less than twenty-one days after he has received such notice and shall inform the appellant and the licensing authority of the time, date and place of hearing as in Form III of the Schedule.

**Merits of appeal.**

6. On hearing an appeal the magistrate shall consider the matter on its merits and shall have all the powers of the duties and obligations of the licensing authority under sections 15, 16, 17 and 18 of the Act.

### **Representation.**

7. At the hearing of any appeal the appellant may appear in person and the licensing authority may appear by one of its members and both parties may be represented by counsel.

### **Appeals.**

8. Appeals shall be heard in private.

### **Evidence.**

9. On the hearing of an appeal both parties may adduce evidence in support of their case.

### **Licence to be issued when appeal allowed.**

10.(1) Where an appeal against the refusal of a licence has been allowed a licence shall be issued, subject to any terms and conditions as may have been imposed by the magistrate, in accordance with the provisions of section 8 of the Act.

(2) Where an appeal against any terms and conditions imposed by the licensing authority is allowed the licence shall be submitted to the person who issued the licence who shall amend the licence accordingly.

### **Costs.**

11. The magistrate may award such sum by way of costs not exceeding £25 as may to him seem appropriate.

## Trade Licensing

### TRADE LICENSING (APPEAL) REGULATIONS

#### SCHEDULE

#### FORM I.

Regulation 3.

TRADE LICENSING ACT.  
(Ord. 1978 No. 35).

TRADE LICENSING (APPEAL) REGULATIONS.  
NOTICE OF APPEAL.

I, \_\_\_\_\_ of \_\_\_\_\_ being  
aggrieved by a decision of the licensing authority given on the \_\_\_\_\_ day of  
20 \_\_\_\_\_ wherein the authority:

\*(a) refused to issue me with a licence ;

\*(b) issued me with a licence but subject to terms and conditions,

appeal against such decision.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

Appellant.

To : (1) Stipendiary Magistrate,  
c/o Government Secretariat.

(2) Licensing authority.

\* *Delete as applicable.*

# Trade Licensing

## TRADE LICENSING (APPEAL) REGULATIONS

**1978-35**

**Repealed**  
**Subsidiary**  
**1974/039**

### FORM II.

Regulation 4(2).

TRADE LICENSING ACT.  
(Ord. 1978 No. 35).

TRADE LICENSING (APPEAL) REGULATIONS.

NOTICE OF REASONS FOR DECISION OF LICENSING AUTHORITY.

The reasons that the licensing authority in its decision given on the application attached hereto:

\*(a) refused to issue a licence to,

\*(b) on the issue of a licence imposed terms and conditions on,

..... were as follows:

*Appellant.*

Dated this      day of                      20

Chairman,  
Licensing Authority.

To:    (1)    Stipendiary Magistrate,  
          c/o Government Secretariat.

(2) (Appellant).

*\*Delete as applicable.*

Trade Licensing  

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**TRADE LICENSING (APPEAL) REGULATIONS**

FORM III.

Regulation 5

TRADE LICENSING ACT.  
(Ord. 1978 No. 35)

TRADE LICENSING (APPEAL) REGULATIONS,

NOTICE OF HEARING OF APPEAL.

Take notice that at (time) on the day of 20 at  
I will hear the appeal of (place) against the decision of  
the licensing authority given on the day of 20

whereby the licensing authority :

\* (a) refused to grant the appellant with a licence.

\* (b) issued the appellant with a licence but subject to terms and conditions.

Dated this day of , 20

Stipendiary Magistrate.

To: (1) (Appellant).

(2) Licensing authority.

\* *Delete as appropriate.*