

### Section 168 of the Licensing Act 2003 and amendment via the Anti-social Behaviour, Crime and Policing Act 2014

#### 168 Provision about decisions under section 167

- (1) Subject to this section, a decision under section 167 does not have effect until the relevant time.
- (2) In this section “the relevant time”, in relation to any decision, means—
  - (a) the end of the period given for appealing against the decision, or
  - (b) if the decision is appealed against, the time the appeal is disposed of.
- (3) Subsections (4) and (5) apply where—
  - (a) the relevant licensing authority decides on a review under section 167 to take one or more of the steps mentioned in subsection (6)(a) to (d) of that section, and
  - (b) the premises to which the licence relates have been closed, by virtue of an order under section 165(2)(b), (c) or (d), until that decision was made.
- (4) The decision by the relevant licensing authority to take any of the steps mentioned in section 167(6)(a) to (d) takes effect when it is notified to the holder of the licence under section 167(12).  
This is subject to subsection (5) and paragraph 18(3) of Schedule 5 (power of magistrates’ court to suspend decision pending appeal).
- (5) The relevant licensing authority may, on such terms as it thinks fit, suspend the operation of that decision (in whole or in part) until the relevant time.
- (6) Subsection (7) applies where—
  - (a) the relevant licensing authority decides on a review under section 167 to revoke the premises licence, and
  - (b) the premises to which the licence relates have been closed, by virtue of an order under section 165(2)(b), (c) or (d), until that decision was made.
- (7) The premises must remain closed (but the licence otherwise in force) until the relevant time.  
This is subject to paragraph 18(4) of Schedule 5 (power of magistrates’ court to modify closure order pending appeal).
- (8) A person commits an offence if, without reasonable excuse, he allows premises to be open in contravention of subsection (7).
- (9) A person guilty of an offence under subsection (8) is liable on summary conviction to imprisonment for a term not exceeding three months or to an unlimited fine, or to both.

#### AMENDMENT to the above section 168 by ASBCPA2014

In section 168 of that Act (provisions about decisions under section 167), in subsections (3)(b) and (6)(b), for the words after “the premises to which the licence relates” there is substituted “ are closed at the time of the decision by virtue of an closure order made under section 80 or 84 of the Anti-social Behaviour, Crime and Policing Act 2014 ”..