

Draft Order laid before Parliament under section 197(4) of the Licensing Act 2003, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2020 No.

**LICENCES AND LICENSING,
ENGLAND AND WALES**

**The Licensing Act 2003 (Victory in
Europe Day Licensing Hours) Order 2020**

Made - - - -

Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the powers conferred by sections 172(1) and (3)(c) and 197(2)(b) of the Licensing Act 2003(1).

The Secretary of State considers that the celebration period in relation to which the Order is made marks an occasion of exceptional national significance.

The Secretary of State has consulted such persons as the Secretary of State considers appropriate in accordance with section 172(4) of the Licensing Act 2003.

In accordance with section 197(4)(2) of the Licensing Act 2003, a draft of this instrument has been laid before Parliament, and approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Licensing Act 2003 (Victory in Europe Day Licensing Hours) Order 2020 and comes into force on the day after the day on which it is made.

(2) In this Order—

- (a) “the celebration period” means the period beginning with 8th May 2020 and ending with 10th May 2020, and
- (b) “specified times” means the periods of 2 hours beginning at 11pm on each of the 8th May 2020 and 9th May 2020.

(1) 2003 c. 17.

(2) Amendments have been made to section 197 of the Licensing Act 2003 which are not relevant to this Order.

Licensing hours

2.—(1) Subject to paragraphs (3) and (4), premises licenses and club premises certificates to which paragraph (2) applies have effect (to the extent that it is not already the case) during the celebration period as if the specified times were included in the opening hours⁽³⁾.

(2) This paragraph applies to premises licences and club premises certificates by virtue of which the opening hours immediately precede or continue into the specified times.

(3) The opening hours are not by virtue of paragraph (1) to be treated as including the specified times insofar as they relate to the use of the premises for—

- (a) the sale by retail of alcohol for consumption off the premises, or
- (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption off the premises.

(4) In relation to the use of premises for the provision of late night refreshment⁽⁴⁾, the opening hours are only to be treated by virtue of paragraph (1) as including the specified times if the premises may also be used at those times for—

- (a) the sale by retail of alcohol for consumption on the premises, or
- (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption on the premises.

Date

Name
Minister of State
Home Office

⁽³⁾ “opening hours” is defined in section 172(5) of the Licensing Act 2003.

⁽⁴⁾ “late night refreshment” is defined in paragraph 1(1) of Schedule 2 to the Licensing Act 2003; paragraph 1(1) was amended by section 71 of the Deregulation Act 2015 (c. 20).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 172 of the Licensing Act 2003 (c. 17) and marks the occasion of the 75th anniversary of Victory in Europe Day on 8th May 2020.

This Order provides for a period during which premises licences and club premises certificates have effect (to the extent that this is not already the case) as if specified times were included in the opening hours under the licence or certificate.

Article 1 of the Order prescribes the specified times as the periods of 2 hours beginning at 11pm on each of 8th May 2020 and 9th May 2020.

Paragraph (2) of article 2 provides that this Order only applies to licences and certificates which authorise licensable activities to be carried on up to or after 11pm on each of those days.

Paragraph (3) of article 2 disapplies this Order to the sale by retail of alcohol for consumption off the premises, and the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption off the premises.

Paragraph (4) of article 2 permits premises to be used for the provision of late night refreshment at the specified times only if at those times the premises may also be used for the sale or supply of alcohol for consumption on the premises.

A full regulatory impact of the effect that this instrument will have on the costs of business, the voluntary sector, and the public sector is annexed to the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk and is also available from the Home Office, 2 Marsham Street, SW1P 4DF.