



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 1

#### LICENSABLE ACTIVITIES

#### **1 Licensable activities and qualifying club activities**

- (1) For the purposes of this Act the following are licensable activities—
  - (a) the sale by retail of alcohol,
  - (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club,
  - (c) the provision of regulated entertainment, and
  - (d) the provision of late night refreshment.
- (2) For those purposes the following licensable activities are also qualifying club activities—
  - (a) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club,
  - (b) the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place, and
  - (c) the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests.
- (3) In this Act references to the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club do not include a reference to any supply which is a sale by retail of alcohol.
- (4) Schedule 1 makes provision about what constitutes the provision of regulated entertainment for the purposes of this Act.
- (5) Schedule 2 makes provision about what constitutes the provision of late night refreshment for those purposes (including provision that certain activities carried on in

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*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Licensing Act 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

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relation to certain clubs or hotels etc, or certain employees, do not constitute provision of late night refreshment and are, accordingly, not licensable activities).

- (6) For the purposes of this Act premises are “used” for a licensable activity if that activity is carried on on or from the premises.
- (7) This section is subject to sections 173 to 175 (which exclude activities from the definition of licensable activity in certain circumstances).

## **2 Authorisation for licensable activities and qualifying club activities**

- (1) A licensable activity may be carried on—
  - (a) under and in accordance with a premises licence (see Part 3), or
  - (b) in circumstances where the activity is a permitted temporary activity by virtue of Part 5.
- (2) A qualifying club activity may be carried on under and in accordance with a club premises certificate (see Part 4).
- (3) Nothing in this Act prevents two or more authorisations having effect concurrently in respect of the whole or a part of the same premises or in respect of the same person.
- (4) For the purposes of subsection (3) “authorisation” means—
  - (a) a premises licence;
  - (b) a club premises certificate;
  - (c) a temporary event notice.

### Changes to legislation:

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#### Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:

- Act modified by [S.I. 2007/1118 art. 6](#)
- Act modified by [S.I. 2008/2867 reg. 12\(1\)\(a\)\(ii\)](#)
- Blanket Amendment words substituted by [2005 c. 4 Sch. 11 para. 1\(2\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 55A applied (with modifications) by [2011 c. 13 s. 129\(6\)\(a\)](#)
- s. 55A inserted by [2011 c. 13 s. 120\(3\)](#)
- s. 92A applied (with modifications) by [2011 c. 13 s. 129\(6\)\(b\)](#)
- s. 92A inserted by [2011 c. 13 s. 120\(5\)](#)
- s. 99A inserted by [2011 c. 13 s. 112\(2\)](#)
- s. 100A inserted by [2011 c. 13 s. 114\(4\)](#)
- s. 104A inserted by [2011 c. 13 s. 114\(7\)](#)
- s. 106A inserted by [2011 c. 13 s. 113\(3\)](#)
- s. 169A-169B inserted by [2006 c. 38 s. 24\(1\)](#)
- s. 169A(2)(a) words substituted by [2011 c. 13 s. 118\(3\)\(a\)](#)
- s. 169A(4) words substituted by [2011 c. 13 s. 118\(3\)\(b\)](#)
- s. 177A inserted by [2012 c. 2 s. 1\(2\)](#)
- s. 197A 197B inserted by [2011 c. 13 s. 121\(2\)](#)

#### Commencement Orders yet to be applied to the Licensing Act 2003:

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2003/1911 art. 2](#) commences [\(2003 c. 17\)](#)
- [S.I. 2003/2100 art. 2](#) commences [\(2003 c. 17\)](#)
- [S.I. 2003/3222 art. 2](#) commences [\(2003 c. 17\)](#)
- [S.I. 2004/1738 art. 2](#) commences [\(2003 c. 17\)](#)
- [S.I. 2004/2360 art. 2 Sch.](#) commences [\(2003 c. 17\)](#)
- [S.I. 2005/2090 art. 2 Sch.](#) commences [\(2003 c. 17\)](#)
- [S.I. 2005/2091 art. 2](#) commences [\(2003 c. 17\)](#)
- [S.I. 2005/3056 art. 2 3](#) commences [\(2003 c. 17\)](#)

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2004/2304 art. 2](#) commences [\(2004 c. 21\)](#)
- [S.I. 2004/2917 art. 2](#) commences [\(2004 c. 21\)](#)
- [S.I. 2005/3175 art. 2 3](#) commences [\(2004 c. 33\)](#)
- [S.I. 2005/3495 art. 2](#) commences [\(2005 c. 15\)](#)
- [S.I. 2006/378 art. 2-7 Sch.](#) commences [\(2005 c. 15\)](#)
- [S.I. 2006/3200 art. 2](#) commences [\(2006 c. 35\)](#)
- [S.I. 2006/3272 art. 2 Sch. 1-3](#) commences [\(2005 c. 19\)](#)
- [S.I. 2007/858 art. 2 3](#) commences [\(2006 c. 38\)](#)
- [S.I. 2007/1157 art. 2-12 Sch. 1 2](#) amendment to earlier commencing SI [2006/3272](#)
- [S.I. 2007/1897 art. 2](#) commences [\(2005 c. 9\)](#)
- [S.I. 2007/2169 art. 2](#) amendment to earlier commencing SI [2006/3272](#)
- [S.I. 2007/2180 art. 2-4](#) commences [\(2006 c. 38\)](#)
- [S.I. 2007/3155 art. 2](#) commences [\(2005 c. 19\)](#)
- [S.I. 2008/3267 art. 2](#) commences [\(2006 c. 50\)](#)
- [S.I. 2009/1604 art. 2](#) commences [\(2005 c. 4\)](#)
- [S.I. 2009/2648 art. 3](#) amendment to earlier commencing SI [2008/3267](#)
- [S.I. 2009/3250 art. 2](#) commences [\(2007 c. 29\)](#)

- [S.I. 2010/125 art. 2-4](#) commences (2009 c. 26)
- [S.I. 2010/722 art. 3](#) commences (2009 c. 26)
- [S.I. 2010/999 art. 2-4](#) commences (2009 c. 26)
- [S.I. 2010/1375 art. 2 3](#) commences (2009 c. 26)
- [S.I. 2010/1942 art. 2](#) amendment to earlier commencing SI 2008/3267
- [S.I. 2011/1725 Sch. para. 6](#) amendment to earlier commencing SI 2008/3267
- [S.I. 2011/3019 art. 3 Sch. 1](#) Comencement Order
- [S.S.I. 2007/472 arts. 2 3 Sch. 1 2](#) commences (2005 asp 16)