



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 4

#### CLUBS

##### *Interpretation*

#### **67 Associate members and their guests**

- (1) Any reference in this Act (other than this section) to a guest of a member of a club includes a reference to—
  - (a) an associate member of the club, and
  - (b) a guest of an associate member of the club.
- (2) For the purposes of this Act a person is an “associate member” of a club if—
  - (a) in accordance with the rules of the club, he is admitted to its premises as being a member of another club, and
  - (b) that other club is a recognised club (see section 193).

#### **68 The relevant licensing authority**

- (1) For the purposes of this Part the “relevant licensing authority” in relation to any premises is determined in accordance with this section.
- (2) Subject to subsection (3), the relevant licensing authority is the authority in whose area the premises are situated.
- (3) Where the premises are situated in the areas of two or more licensing authorities, the relevant licensing authority is—
  - (a) the licensing authority in whose area the greater or greatest part of the premises is situated, or
  - (b) if there is no authority to which paragraph (a) applies, such one of those authorities as is nominated in accordance with subsection (4).

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*Status: This is the original version (as it was originally enacted).*

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- (4) In a case within subsection (3)(b), an applicant for a club premises certificate must nominate one of the licensing authorities as the relevant licensing authority in relation to the application and any certificate granted as a result of it.

## **69 Authorised persons, interested parties and responsible authorities**

- (1) In this Part in relation to any premises each of the following expressions has the meaning given to it by this section—

“authorised person”,  
“interested party”,  
“responsible authority”.

- (2) “Authorised person” means any of the following—

- (a) an officer of a licensing authority in whose area the premises are situated who is authorised by that authority for the purposes of this Act,
- (b) an inspector appointed under section 18 of the Fire Precautions Act 1971 (c. 40),
- (c) an inspector appointed under section 19 of the Health and Safety at Work etc. Act 1974 (c. 37),
- (d) an officer of a local authority, in whose area the premises are situated, who is authorised by that authority for the purposes of exercising one or more of its statutory functions in relation to minimising or preventing the risk of pollution of the environment or of harm to human health,
- (e) in relation to a vessel, an inspector, or a surveyor of ships, appointed under section 256 of the Merchant Shipping Act 1995 (c. 21),
- (f) a person prescribed for the purposes of this subsection.

- (3) “Interested party” means any of the following—

- (a) a person living in the vicinity of the premises,
- (b) a body representing persons who live in that vicinity,
- (c) a person involved in a business in that vicinity,
- (d) a body representing persons involved in such businesses.

- (4) “Responsible authority” means any of the following—

- (a) the chief officer of police for any police area in which the premises are situated,
- (b) the fire authority for any area in which the premises are situated,
- (c) the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974 (c. 37) for any area in which the premises are situated,
- (d) the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c. 8) for any area in which the premises are situated,
- (e) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health,
- (f) a body which—
  - (i) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and

- (ii) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters,
  - (g) any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated,
  - (h) in relation to a vessel—
    - (i) a navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c. 57)) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for qualifying club activities,
    - (ii) the Environment Agency,
    - (iii) the British Waterways Board, or
    - (iv) the Secretary of State,
  - (i) a person prescribed for the purposes of this subsection.
- (5) For the purposes of this section, “statutory function” means a function conferred by or under any enactment.

## **70 Other definitions relating to clubs**

In this Part—

“secretary”, in relation to a club, includes any person (whether or not an officer of the club) performing the duties of a secretary;

“supply of alcohol to members or guests” means, in the case of any club,—

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

and related expressions are to be construed accordingly.