



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 8

#### CLOSURE OF PREMISES

##### *Interpretation*

#### **171 Interpretation of Part 8**

- (1) This section has effect for the purposes of this Part.
- (2) [<sup>F1</sup>Premises] are open if a person who is not within subsection (4) enters the premises and—
  - (a) he buys or is otherwise supplied with food, drink or anything usually sold on the premises, or
  - (b) while he is on the premises, they are used for the provision of regulated entertainment.
- (3) But in determining whether <sup>F2</sup>... premises are open the following are to be disregarded—
  - (a) where no premises licence has effect in respect of the premises, any use of the premises for activities (other than licensable activities) which do not take place during an event period specified in a temporary event notice having effect in respect of the premises,
  - (b) any use of the premises for a qualifying club activity under and in accordance with a club premises certificate, and
  - (c) any supply exempted under paragraph 3 of Schedule 2 (certain supplies of hot food and drink by clubs, hotels etc. not a licensable activity) in circumstances where a person will neither be admitted to the premises, nor be supplied as mentioned in sub-paragraph (1)(b) of that paragraph, except by virtue of being a member of a recognised club or a guest of such a member.
- (4) A person is within this subsection if he is—
  - (a) an appropriate person in relation to the premises,

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- (b) a person who usually lives at the premises, or
- (c) a member of the family of a person within paragraph (a) or (b).

(5) The following expressions have the meanings given—

“appropriate person”, in relation to any <sup>F3</sup>... premises, means—

- (a) any person who holds a premises licence in respect of the premises,
- (b) any designated premises supervisor under such a licence,
- (c) the premises user in relation to any temporary event notice which has effect in respect of the premises, or
- (d) a manager of the premises;

[<sup>F4</sup>“closure notice” has the meaning given in section 169A;]

<sup>F5</sup>.....  
<sup>F5</sup>.....

[<sup>F6</sup>“local weights and measures authority” has the meaning given by section 69 of the Weights and Measures Act 1985;]

“manager”, in relation to any premises, means a person who works at the premises in a capacity, whether paid or unpaid, which authorises him to close them;

“relevant licensing authority”, in relation to any licensed premises, has the same meaning as in Part 3;

<sup>F5</sup>.....  
<sup>F5</sup>.....  
<sup>F5</sup>.....  
<sup>F5</sup>.....

[<sup>F7</sup>“trading standards officer”, in relation to any premises to which a premises licence relates, means a person authorised by a local weights and measures authority to act in the area where those premises are situated in relation to proposed prohibitions contained in closure notices;]

(6) A temporary event notice has effect from the time it is given in accordance with Part 5 until—

- (a) the time it is withdrawn,
- (b) the time a counter notice is given under that Part, or
- (c) the expiry of the event period specified in the temporary event notice, whichever first occurs.

**Textual Amendments**

- F1** Word in s. 171(2) substituted (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), s. 185\(1\), Sch. 11 para. 39\(2\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(vi) (as amended (20.10.2014) by S.I. 2014/2754, arts. 1, 3(a))
- F2** Word in s. 171(3) omitted (20.10.2014) by virtue of [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), s. 185\(1\), Sch. 11 para. 39\(3\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(vi) (as amended (20.10.2014) by S.I. 2014/2754, arts. 1, 3(a))
- F3** Word in s. 171(5) omitted (20.10.2014) by virtue of [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), s. 185\(1\), Sch. 11 para. 39\(4\)\(a\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(vi) (as amended (20.10.2014) by S.I. 2014/2754, arts. 1, 3(a))
- F4** S. 171(5): definition of "appropriate person" inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\), ss. 24\(5\)\(a\), 66\(2\)\(3\)](#); S.I. 2007/858, art. 2(a)

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- F5** Words in s. 171(5) omitted (20.10.2014) by virtue of [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 39\(4\)\(b\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(vi) (as amended (20.10.2014) by S.I. 2014/2754, arts. 1, 3(a))
- F6** S. 171(5): definition of "local weights and measures authority" inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [ss. 24\(5\)\(b\)](#), 66(2)(3); S.I. 2007/858, [art. 2\(a\)](#)
- F7** S. 171(5): definition of "trading standards officer" inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [ss. 24\(5\)\(c\)](#), 66(2)(3); S.I. 2007/858, [art. 2\(a\)](#)

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

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

- Pt. 5A inserted by [2015 c. 20 s. 67\(2\)](#)Sch. 17
- s. 2(1A) inserted by [2015 c. 20 s. 67\(1\)](#)
- s. 10(4)(e) and word inserted by [2011 c. 13 s. 121\(3\)\(b\)](#)
- s. 140(2)(e) inserted by [2015 c. 20 s. 67\(4\)\(b\)](#)
- s. 141(2)(e) inserted by [2015 c. 20 s. 67\(5\)\(b\)](#)
- s. 143(2)(e) inserted by [2015 c. 20 s. 67\(6\)\(b\)](#)
- s. 144(2)(e) inserted by [2015 c. 20 s. 67\(7\)\(b\)](#)
- s. 147A(4)(c) inserted by [2015 c. 20 s. 67\(8\)\(b\)](#)
- s. 153(4)(d) inserted by [2015 c. 20 s. 67\(9\)\(b\)](#)
- s. 197(3)(cza) inserted by [2015 c. 20 s. 67\(12\)\(a\)](#)
- s. 197A197B inserted by [2011 c. 13 s. 121\(2\)](#)