



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) Relevant 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 relevant 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,

Status: This is the original version (as it was originally enacted).

- (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 relevant 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;
 - “closure order” has the meaning given in section 161(2);
 - “extension”, in relation to a closure order, means an extension of the order under section 162;
 - “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;
 - “relevant magistrates' court”, in relation to any relevant premises, means a magistrates' court acting for the petty sessions area in which the premises are situated;
 - “relevant premises” has the meaning given in section 161(8);
 - “responsible senior police officer”, in relation to a closure order, means—
 - (a) the senior police officer who made the order, or
 - (b) if another senior police officer is designated for the purpose by the chief officer of police for the police area in which the premises are situated, that other officer;
 - “senior police officer” has the meaning given in section 161(8).
- (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.