



Licensing Act 2003

2003 CHAPTER 17

PART 3

PREMISES LICENCES

[^{F1}Variation of licences: minor variations]

[^{F1}41D Variation of premises licence: supply of alcohol from community premises

- (1) Where a management committee which holds a premises licence in respect of community premises makes an application under section 34 for variation of the licence so as to authorise the supply of alcohol, the application may include an application for the alternative licence condition to be included in the licence instead of the conditions in section 19(2) and (3).
- (2) A management committee which holds a premises licence in respect of community premises which includes the conditions in section 19(2) and (3) may make an application under section 34 for (or which includes an application for) variation of the licence to include the alternative licence condition instead of those conditions.
- (3) In this section “the alternative licence condition” is the condition that every supply of alcohol under the premises licence must be made or authorised by the management committee.
- (4) In a case where an application under section 34 includes an application under subsection (1), or is made pursuant to subsection (2), section 19 (as it applies by virtue of section 35(7)) and section 35 are modified as follows.
- (5) Section 19 has effect as if at the end there were inserted—
 - [^{F2}(5)] But where—
 - (a) the relevant licensing authority is satisfied that the arrangements for the management of the premises by the applicant are sufficient to ensure adequate supervision of the supply of alcohol on the premises, and

Changes to legislation: Licensing Act 2003, Section 41D is up to date with all changes known to be in force on or before 16 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) if any representations are made pursuant to section 35(5)(aa), the authority does not consider the inclusion of the conditions in subsections (2) and (3) to be [^{F3}appropriate] to promote the crime prevention objective,

the licence must not include the conditions in subsections (2) and (3) but must include the alternative licence condition referred to in section 41D(3) instead.”.

- (6) Section 35 has effect as if—

- (a) after subsection (5)(a) there were inserted—

“(aa) if they relate to the inclusion of the alternative licence condition referred to in section 41D(3)—

- (i) were made by the chief officer of police for a police area in which the premises are situated, and
(ii) include a statement that, due to the exceptional circumstances of the case, he is satisfied that including the alternative licence condition instead of the conditions in section 19(2) and (3) would undermine the crime prevention objective, and”, and

[^{F4}(b) subsection (6)(c) were omitted.]]

Textual Amendments

- F1** S. 41D inserted (29.7.2009) by [The Legislative Reform \(Supervision of Alcohol Sales in Church and Village Halls &.\) Order 2009 \(S.I. 2009/1724\)](#), [art. 4](#)
- F2** Word in s. 41D(5) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112, 116, [Sch. 7 para. 33](#); S.I. 2010/125, [art. 2\(t\)](#)
- F3** Word in s. 41D(5) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 109\(8\)](#), [157\(1\)](#) (with s. 109(15)); S.I. 2012/1129, [art. 2\(d\)](#)
- F4** S. 41D(6)(b) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 105\(8\)](#), [157\(1\)](#) (with s. 105(11)); S.I. 2012/1129, [art. 2\(d\)](#)

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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\(2\)](#)