



# Live Music Act 2012

## 2012 CHAPTER 2

### 1 Licence review for live music entertainment

(1) In section 177 of the Licensing Act 2003 (dancing and live music in certain small premises)—

- (a) in subsections (1) and (2), for “the provision of music entertainment” in each place substitute “dancing”,
- (b) in subsection (2) omit—
  - (i) paragraph (b) and “and” immediately before it, and
  - (ii) in the words following paragraph (b), the words “, in relation to the provision of that entertainment,”,
- (c) omit subsections (3) and (4),
- (d) in subsection (8)—
  - (i) for “music entertainment” substitute “dancing” and in paragraph (a) of that definition omit “(e) or”, and
  - (ii) omit paragraph (b) of that definition and “or” immediately before it, and
- (e) in the heading omit “and live music”.

(2) After that section insert—

#### “177A Licence review for live music

(1) Subsection (2) applies where live music takes place on premises authorised to be used for the supply of alcohol for consumption on the premises by a premises licence or club premises certificate, and—

- (a) at the time of the live music, the premises are open for the purposes of being used for the supply of alcohol for consumption on the premises,
- (b) either—
  - (i) the live music is unamplified, or
  - (ii) the live music is amplified and takes place in the presence of an audience of no more than 200 persons, and

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*Status: This is the original version (as it was originally enacted).*

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- (c) the live music takes place between 8am and 11pm on the same day (or, where an order under section 172 has effect, between the hours specified in that order).
- (2) Any condition of the premises licence or club premises certificate which relates to live music does not have effect in relation to the live music, unless it falls within subsection (3) or is added to the licence in accordance with subsection (4).
  - (3) A condition falls within this subsection if, on a review of the premises licence or club premises certificate it is altered so as to include a statement that this section does not apply to it.
  - (4) On a review of a premises licence or club premises certificate a licensing authority may (without prejudice to any other steps available to it under this Act) add a condition relating to live music as if—
    - (a) the live music were regulated entertainment, and
    - (b) the licence or certificate licensed the live music.
  - (5) In this section—
    - “condition” means a condition—
      - (a) included in a premises licence by virtue of section 18(2)(a) or (3)(b), 35(3)(b), 52(3) or 167(5)(b),
      - (b) included in a club premises certificate by virtue of section 72(2)(a) or (3)(b), 85(3)(b) or 88(3),
      - (c) added to a premises licence by virtue of its inclusion in an application to vary the licence in accordance with section 34 or 41A which is granted under section 35(2) or 41B(3) (as the case may be), or
      - (d) added to a club premises certificate by virtue of its inclusion in an application to vary the certificate in accordance with section 84 or 86A which is granted under section 85(2) or 86B(3) (as the case may be);
    - “live music” means entertainment of a description falling within, or of a similar description to that falling within, paragraph 2(1)(e) of Schedule 1;
    - “supply of alcohol” means—
      - (a) the sale by retail of alcohol, or
      - (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.”