

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 67: Sale of alcohol: community events etc and ancillary business

324. The Licensing Act 2003 (“the 2003 Act”) contains a system of authorisation for certain activities (referred to as “licensable activities”); these include the sale by retail of alcohol. It is a criminal offence to carry on, or attempt to carry on, a licensable activity on or from any premises without an appropriate authorisation under the 2003 Act. Such an authorisation may comprise a premises licence, a club premises certificate or a temporary event notice (“TEN”). Licensing authorities regulate the licensing regime in their respective areas and must exercise their functions with a view to promoting the licensing objectives. These are: the prevention of crime and disorder; the prevention of public nuisance; public safety; and the protection of children from harm.
325. This section introduces a new form of authorisation into the 2003 Act to enable prescribed bodies (e.g. community organisations or small businesses which sell alcohol as an ancillary part of a wider service) to sell alcohol without having to use one of the existing forms of authorisation under the 2003 Act. The government’s purpose is to create a lighter touch authorisation to reduce burdens on those persons or bodies.
326. This section amends the 2003 Act so as to introduce the new form of authorisation (“Part 5A notice”) in relation to the sale by retail of alcohol. *Subsection (1)* inserts reference to a Part 5A notice in section 2 of the 2003 Act. *Subsection (2)* inserts Schedule 17 into the 2003 Act as Part 5A; this sets out the framework for the Part 5A notice. *Subsections (3) to (10)* amend a number of sections in Part 7 of the 2003 Act which make provision for or in connection with offences relating to the carrying on of licensable activities (e.g. unauthorised licensable activities, sale of alcohol to a person who is drunk and persistently selling alcohol to children); these amendments apply the offences to or in relation to sales of alcohol made under a Part 5A notice. *Subsections (11) and (12)* amend section 194 (index of defined expressions) to include reference to a Part 5A notice and section 197 (regulations and orders) to include reference to a number of new regulation-making powers subject to the affirmative resolution procedure.
327. The section, as with the Licensing Act 2003, forms part of the law of England and Wales only. It comes into force on a day to be appointed by the Secretary of State in a commencement order.