
STATUTORY INSTRUMENTS

1997 No. 957

DEREGULATION

The Deregulation (Employment in Bars) Order 1997

Made - - - - - *6th March 1997*

Coming into force - - - - - *7th March 1997*

Whereas—

- (a) the Secretary of State is of opinion that certain provisions of the Licensing Act 1964⁽¹⁾ impose burdens affecting the carrying on of a trade, business, profession or otherwise and that by amending the provisions concerned it is possible to remove or reduce the burdens without removing any necessary protection;
- (b) the Secretary of State has consulted such organisations as appear to be representative of interests substantially affected by his proposals and such other persons as he considers appropriate;
- (c) it appears to the Secretary of State that it is appropriate, following that consultation, to proceed with the making of this Order;
- (d) a document setting out the Secretary of State's proposals has been laid before Parliament in accordance with section 3 of the Deregulation and Contracting Out Act 1994⁽²⁾ and the period for Parliamentary consideration under section 4 of that Act has expired;
- (e) the Secretary of State has had regard to representations made during the period;
- (f) a draft of this Order has been laid before Parliament with a Statement giving details of such representations and the changes to the Secretary of State's proposals in the light of those representations;
- (g) a draft of this Order has been approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by section 1 of the Deregulation and Contracting Out Act 1994, hereby makes the following Order.

Citation, commencement and extent

1.—(1) This Order may be cited as the Deregulation (Employment in Bars) Order 1997 and shall come into force on the day after the day on which it is made.

(2) This Order does not extend to Scotland or Northern Ireland.

(1) 1964 c. 26.
(2) 1994 c. 40.

Employment of persons under 18 in bars

2.—(1) In section 170 of the Licensing Act 1964 (persons under 18 not to be employed in bars), after subsection (1) there shall be inserted—

“(1A) Subsection (1) of this section shall not apply where—

- (a) the person employed is of or over the age of sixteen; and
- (b) the employment is under a training scheme approved for the purposes of section 170A of this Act by the Secretary of State.”.

(2) After that section there shall be inserted—

“Employment in bars under approved training schemes

170A.—(1) The Secretary of State may approve for the purposes of this section any training scheme which relates to the employment in bars of licensed premises of persons under eighteen if he is satisfied—

- (a) that the scheme includes satisfactory arrangements for the approval—
 - (i) of the persons to whom training is provided under it (“trainees”), and
 - (ii) of licensed premises participating in it;
- (b) that, in relation to any person or premises approved under the arrangements mentioned in paragraph (a) of this subsection, the scheme includes satisfactory arrangements for the provision of documentary evidence of the approval to that person or, as the case may be, the holder of the justices' licence for those premises;
- (c) that the scheme includes satisfactory arrangements for monitoring—
 - (i) the quality of training provided under it, and
 - (ii) the progress of trainees;
- (d) that, in relation to the provision under the scheme of training in a bar, the scheme includes satisfactory arrangements for ensuring that there is adequate supervision of trainees;
- (e) that, in relation to the supervision mentioned in paragraph (d) of this subsection, the scheme includes arrangements for the provision to the holder of the justices' licence for the licensed premises of a statement of—
 - (i) the criteria to be used by the holder of the licence in determining whether persons are fit to supervise trainees, and
 - (ii) the duties of persons supervising trainees; and
- (f) that the scheme provides that licensed premises shall cease to be approved for participation in the scheme if trainees are not adequately supervised in their training in any bar of the premises.

(2) A scheme shall not be taken for the purposes of paragraph (d) of subsection (1) of this section to include satisfactory arrangements for ensuring that there is adequate supervision of trainees if it fails to provide—

- (a) that supervision is to be undertaken by the holder of the licence or a person of or over the age of eighteen who acts on his behalf, or
- (b) that, when the trainee is present in a bar which is open for the sale or consumption of intoxicating liquor, the person supervising the trainee must be present on the licensed premises and must be present in the bar unless his absence from the bar is—
 - (i) unavoidable,

- (ii) necessary for carrying on the licence holder's business, or
 - (iii) necessary to facilitate the trainee's development under the scheme.
- (3) Where a person under eighteen is employed under a training scheme approved for the purposes of this section in any bar of licensed premises at a time when the bar is open for the sale or consumption of intoxicating liquor, and
- (a) the time falls outside—
 - (i) the general licensing hours, and
 - (ii) any period during which the consumption of intoxicating liquor is permitted by virtue of section 63(1) of this Act; or
 - (b) the holder of the licence has not notified the chief officer of police that the licensed premises will be participating in the scheme,
- the holder of the licence shall be liable to a fine not exceeding level 1 on the standard scale.”.

Home Office
6th March 1997

Timothy Kirkhope
Parliamentary Under-Secretary of State

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Licensing Act 1964 to disapply the prohibition on employing persons under 18 in bars from the employment of persons of or over 16 pursuant to a training scheme approved for the purpose by the Secretary of State.