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STATUTORY INSTRUMENTS

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**2002 No. 3205**

**REGULATORY REFORM**

**The Regulatory Reform (Special Occasions Licensing) Order 2002**

*Made* - - - - 20th December 2002

*Coming into force* - - 21st December 2002

Whereas:

- (a) The Secretary of State for Culture, Media and Sport (“the Secretary of State”) consulted—
  - (i) such organisations as appeared to the Secretary of State to be representative of interests substantially affected by her proposals for this Order;
  - (ii) the statutory bodies whose functions are related to her proposals;
  - (iii) organisations representative of such bodies;
  - (iv) the National Assembly for Wales; and
  - (v) such other persons as she considered appropriate;
- (b) following that consultation, the Secretary of State considered it appropriate to proceed with the making of this Order;
- (c) a document setting out the Secretary of State’s proposals was laid before Parliament as required by section 6 of the Regulatory Reform Act 2001(1) and the period for Parliamentary consideration under section 8 of that Act expired;
- (d) the Secretary of State has had regard to the representations made during that period and in particular to the First Report (Session 2002–03) of the House of Commons and the Twenty-seventh Report (Session 2001–02) of the Delegated Powers and Regulatory Reform Committee of the House of Lords;
- (e) a draft of this Order was laid before Parliament with a statement giving details of those representations;
- (f) the draft was approved by resolution of each House of Parliament;
- (g) the Secretary of State is of the opinion that this Order does not remove any necessary protection or prevent any person from continuing to exercise any right or freedom which he might reasonably expect to continue to exercise; and
- (h) this Order creates burdens affecting persons in the carrying on of certain activities, and the Secretary of State is of the opinion that—

- (i) the provisions of this Order, taken as a whole, strike a fair balance between the public interest and the interests of the persons affected by the burdens being created, and
- (ii) the extent to which this Order removes or reduces one or more burdens, or has other beneficial effects for persons affected by the burdens imposed by the existing law, makes it desirable for this Order to be made:

Now, therefore, the Secretary of State, in exercise of the powers conferred upon her by section 1 of the Regulatory Reform Act 2001, hereby makes the following Order:

### **Citation, commencement, extent and interpretation**

**1.**—(1) This Order may be cited as the Regulatory Reform (Special Occasions Licensing) Order 2002 and shall come into force on the day after the day on which it is made.

(2) This Order extends to England and Wales.

### **Amendments to the Regulatory Reform (Special Occasions Licensing) Order 2001**

**2.**—(1) The Regulatory Reform (Special Occasions Licensing) Order 2001<sup>(2)</sup> is amended as follows.

(2) In article 3(1)(a), omit “and on 3rd June 2002,”.

(3) For article 4(2) substitute—

“(2) The Special Occasions licensing hours are the period between—

- (a) the end of the permitted hours in the premises on New Year’s Eve; and
- (b) the beginning of the permitted hours in the premises on the following day (or, if there are no permitted hours in the premises on that day, midnight on New Year’s Eve).”

(4) In article 4(3)—

- (a) for “3rd June 2002” substitute “any New Year’s Eve”; and
- (b) at the end insert “on that day”.

(5) In article 4(4) after “permitted hours end” insert “or begin”.

(6) In article 8(1) for “3rd and 4th June 2002” substitute “the relevant New Year’s Eve and New Year’s Day”.

### **Amendment of the London Government Act 1963**

**3.** Schedule 12 to the London Government Act 1963<sup>(3)</sup> (licensing of public entertainments in Greater London) is amended by inserting, after paragraph 11, the following—

“**11A.**—(1) Sub-paragraph (2) below applies where—

- (a) a licence under paragraph 1 of this Schedule is for the time being in force in respect of any premises, and

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(2) S.I.2001/3937, amended by S.I. 2002/1062.

(3) 1963 c. 33; paragraph 10(2) of Schedule 12 was substituted by the [Greater London Council \(General Powers\) Act 1979 \(c. xxiii\)](#). Schedule 12 is modified by section 22 of the [London Local Authorities Act 2000 \(c. vii\)](#). Other amendments have been made to Schedule 12 which are not relevant for the purposes of this Order.

- (b) the Special Occasions licensing hours are (subject to any Special Occasions restriction order) added to the permitted hours in the premises.
- (2) No person shall be guilty of an offence under paragraph 10(2) of this Schedule by reason only of the premises being kept open on New Year’s Eve for any of the purposes authorised by the licence after the latest hour so authorised.
- (3) For the purposes of paragraph (2) above, “New Year’s Eve”—
  - (a) does not include any time specified in a Special Occasions restriction order as not to be added to the permitted hours, but
  - (b) otherwise, includes any period immediately following New Year’s Eve during which the Special Occasions licensing hours continue.
- (4) Where, by virtue of a Special Occasions restriction order, the permitted hours together with any of the Special Occasions licensing hours to be added to them end at different times in different parts of the premises, each part shall be treated as separate premises for the purposes of this paragraph.
- (5) In this paragraph expressions used in the Regulatory Reform (Special Occasions Licensing) Order 2001 shall have the same meaning as in that Order.”

#### **Amendment of the Local Government (Miscellaneous Provisions) Act 1982**

4. Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982(4) (licensing of public entertainments outside Greater London) is amended by inserting, after paragraph 13, the following—

**“13A**

- 1) Sub-paragraph (2) below applies where—
  - (a) the Special Occasions licensing hours are (subject to any Special Occasions restriction order) to be added to the permitted hours in any premises, and
  - (b) the premises form all or part of a place in respect of which a licence under paragraph 1 above is for the time being in force.
- (2) No person shall be guilty of an offence under paragraph 12(2) above by reason only of the premises being kept open on New Year’s Eve for any of the purposes authorised by the licence after the latest hour so authorised.
- (3) For the purposes of sub-paragraph (2) above, “New Year’s Eve”—
  - (a) does not include any time specified in a Special Occasions restriction order as not to be added to the permitted hours, but
  - (b) otherwise, includes any period immediately following New Year’s Eve during which the Special Occasions licensing hours continue.
- (4) Where, by virtue of a Special Occasions restriction order, the permitted hours together with any of the Special Occasions licensing hours to be added to them end at different times in different parts of the premises, each part shall be treated as separate premises for the purposes of this paragraph.
- (5) In this paragraph expressions used in the Regulatory Reform (Special Occasions Licensing) Order 2001 shall have the same meaning as in that Order.”

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(4) 1982 c. 30; paragraph 12(2) of Schedule 1 is amended by section 1(3) of the Entertainments (Increased Penalties) Act 1990 (c. 20). Other amendments have been made to Schedule 1 which are not relevant for the purposes of this Order.

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

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20th December 2002

*Dr Kim Howells*  
Parliamentary Under-Secretary of State  
Department for Culture, Media and Sport

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is made under section 1 of the Regulatory Reform Act 2001. It reforms the law relating to licensing hours which has the effect of imposing burdens on people carrying out certain activities with a view to reducing those burdens in respect of New Year's Eve. It does so by amending provisions in the Regulatory Reform (Special Occasions Licensing) Order 2001 to allow the sale of intoxicating liquor in licensed premises (other than off-licences), in registered clubs and in licensed canteens in the period between what would otherwise be the end of the permitted hours on New Year's Eve and the beginning of permitted hours on the following day.

Provision is also made for reforming the law relating to the licensing of public entertainments, in particular the licensing of public music and dancing, with a view to reducing the burdens it imposes on people carrying out certain activities where they take place at New Year's Eve. The effect of the Order is to allow premises in respect of which there are Special Occasions licensing hours, and in respect of which there is an entertainment licence in force, to be kept open on New Year's Eve and during the Special Occasions licensing hours for any purposes authorised by the entertainment licence beyond the time authorised by the licence itself.