

**EXPLANATORY MEMORANDUM TO  
THE NATIONAL POLICE RECORDS (RECORDABLE OFFENCES)  
(AMENDMENT) REGULATIONS 2005**

**2005 No. 3106**

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 The Regulations amend the Schedule to the National Police Records (Recordable Offences) Regulations 2000. They make a number of new offences introduced by the Licensing Act 2003 recordable offences, and remove references to offences which will be repealed when the Licensing Act 2003 comes fully into force on 24 November 2005.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

**4. Legislative Background**

4.1 The Regulations are made pursuant to section 27(4) of the Police and Criminal Evidence Act 1984. The Licensing Act 2003 creates a number of new powers for the police and licensing authorities to tackle disorder and irresponsible retailers. It also introduces various new offences in relation to breaches of licence conditions. These Regulations add a number of these new offences to the Schedule to the National Police Records (Recordable Offences) Regulations 2000, and remove references to offences under the Licensing Act 1964 and those repealed by the Licensing Act 2003. The Schedule lists those offences which are recordable but which do not attract the possibility of a custodial sentence.

**5. Extent**

5.1 This instrument applies to England and Wales.

**6. European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

**7. Policy background**

7.1 From 24 November 2005 the Licensing Act 2003 will establish a single integrated scheme for the licensing of certain activities conducted on or from particular premises. Previously, there were different licensing regimes and procedures for different kinds of activity.

7.2 On 24 November the existing provisions and related offences provided under the legislation governing the existing licensing regimes will be repealed and the remaining provisions of the Licensing Act 2003 will be brought into force. Among these new provisions are offence provisions relating to prohibited activities on licensed premises, such as selling alcohol to a person who is drunk, and some offences that apply to any place, for example, selling alcohol to a person who is under 18 years old.

7.3 In consequence of these changes, these Regulations add a number of new offences to the Schedule to the National Police Records (Recordable Offences) Regulations 2000, and remove references to offences under the Licensing Act 1964 and those repealed by the Licensing Act 2003.

7.4 Regulation 2 amends the Schedule and lists the offences from the Licensing Act 2003 now to be included.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 There is also no impact on public bodies.

## **9. Contact**

Alan Sparks at the Home Office can answer any queries regarding the instrument. His contact details are:

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