
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the detailed requirements to be fulfilled by applicants to convert existing authorisations to use premises for the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment to new premises licences under Schedule 8 to the Licensing Act 2003 (c. 17) (the Act). Also, it makes provision for the detailed requirements to be fulfilled by a registered club under the Licensing Act 1964 (c. 26) (the 1964 Act) to convert authorisations under its existing registration certificate to a new club premises certificate under Schedule 8 to the Act. In both cases the Order prescribes the application form to be used by the applicant or club, the information to be supplied and the plan to accompany the application. Further it prescribes the form to be used in relation to a simultaneous application to vary any existing authorisations (articles 2, 3, 7 and 8). The Order requires the relevant licensing authority to provide application forms etc. for applicants and clubs on request and provides a discretion to provide these on its website (article 11).

Further, for the purposes of paragraphs 6(8) and 18(5) of Schedule 8 to the Act, this Order specifies the Children and Young Persons Act 1933 (c. 12), the Cinematograph (Safety) Regulations 1955 (S.I.1955/1129), the Licensing Act 1964 (c. 26) and the Sporting Events (Control of Alcohol Etc) Act 1985 (c. 57) as enactments containing restrictions affecting existing authorisations which must be imposed as conditions on the new premises licence and the new club premises certificate (articles 4 and 9).

Further, for the purposes of paragraph 11 of Schedule 8 to the Act in respect of opening hours of premises, the Order specifies the period commencing on 7th February 2005 and ending on the second appointed day as the period during which a relevant licensing authority may not grant a premises licence subject to conditions which prevent the sale of alcohol on the premises during the permitted hours (subject to a minor disapplication); such hours being the hours during which the holder of a justices' licence is permitted to sell alcohol on the premises under Part 3 of the 1964 Act (article 5). In addition, for the purposes of paragraph 12 of Schedule 8 to the Act in respect of a provisional grant of a justices' licence under the 1964 Act, this Order specifies the period commencing on 7th February 2005 and ending on the first anniversary of the second appointed day as the period during which the relevant licensing authority must have regard to that provisional grant when determining an application for the grant of a premises licence under Part 3 of the Act (article 6).

Finally, for the purposes of an application for a personal licence under Part 6 of the Act made by the holder of a justices' licence and for the purposes of paragraph 23 of Schedule 8 to the Act, the Order details the requirements in respect of a photograph to accompany the application (article 10).

Regulatory Impact Assessment in relation to this Order has been placed in the libraries of both Houses of Parliament and copies may be obtained from the Alcohol and Entertainment Licensing Branch of the Department for Culture, Media and Sport, 3rd Floor, 2-4 Cockspur Street, London SW1Y 5DH or viewed on the Department's website, www.culture.gov.uk.