



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 4

#### CLUBS

##### *Production of certificate, rights of entry, etc.*

#### **93 Licensing authority's duty to update club premises certificate**

- (1) Where—
  - (a) the relevant licensing authority, in relation to a club premises certificate, makes a determination or receives a notice under this Part, or
  - (b) an appeal against a decision under this Part is disposed of,the relevant licensing authority must make the appropriate amendments (if any) to the certificate and, if necessary, issue a new summary of the certificate.
- (2) Where a licensing authority is not in possession of the club premises certificate, it may, for the purpose of discharging its obligations under subsection (1), require the secretary of the club to produce the certificate to the authority within 14 days from the date on which the club is notified of the requirement.
- (3) A person commits an offence if he fails, without reasonable excuse, to comply with a requirement under subsection (2).
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

#### **94 Duty to keep and produce certificate<sup>[F1]</sup> etc.]**

- (1) This section applies whenever premises in respect of which a club premises certificate has effect are being used for one or more qualifying club activities authorised by the certificate.

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- (2) The secretary of the club must secure that the certificate, or a certified copy of it, [<sup>F2</sup>and a list of any relevant mandatory conditions applicable to the certificate are] kept at the premises in the custody or under the control of a person (the “nominated person”) who—
- (a) falls within subsection (3),
  - (b) has been nominated for the purpose by the secretary in writing, and
  - (c) has been identified to the relevant licensing authority in a notice given by the secretary.
- (3) The persons who fall within this subsection are—
- (a) the secretary of the club,
  - (b) any member of the club,
  - (c) any person who works at the premises for the purposes of the club.
- (4) The nominated person must secure that—
- (a) the summary of the certificate or a certified copy of that summary, and
  - (b) a notice specifying the position which he holds at the premises,
- are prominently displayed at the premises.
- (5) The secretary commits an offence if he fails, without reasonable excuse, to comply with subsection (2).
- (6) The nominated person commits an offence if he fails, without reasonable excuse, to comply with subsection (4).
- (7) A constable or an authorised person may require the nominated person to produce the club premises certificate (or certified copy [<sup>F3</sup>or any list of relevant mandatory conditions]) for examination.
- (8) An authorised person exercising the power conferred by subsection (7) must, if so requested, produce evidence of his authority to exercise the power.
- (9) A person commits an offence if he fails, without reasonable excuse, to produce a club premises certificate or certified copy of a club premises certificate [<sup>F4</sup>or a list of relevant mandatory conditions] in accordance with a requirement under subsection (7).
- (10) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (11) In subsection (4) the reference to the summary of the certificate is a reference to the summary issued under section 77 or, where one or more summaries have subsequently been issued under section 93, the most recent summary to be so issued.
- (12) Section 95 makes provision about certified copies of club premises certificates and of summaries of club premises certificates for the purposes of this section.
- [<sup>F5</sup>(13) In this section “relevant mandatory conditions”, in relation to a club premises certificate, means conditions applicable to the certificate by virtue of section 73A or 73B.]

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#### Textual Amendments

- F1** S. 94: word in heading inserted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112, 116, [Sch. 7 para. 42\(2\)](#); S.I. 2010/125, [art. 2\(t\)](#)

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- F2** Words in s. 94(2) substituted (29.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112, 116, **Sch. 7 para. 42(3)**; S.I. 2010/125, **art. 2(t)**
- F3** Words in s. 94(7) inserted (29.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112, 116, **Sch. 7 para. 42(4)**; S.I. 2010/125, **art. 2(t)**
- F4** Words in s. 94(9) inserted (29.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112, 116, **Sch. 7 para. 42(5)**; S.I. 2010/125, **art. 2(t)**
- F5** S. 94(13) inserted (29.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112, 116, **Sch. 7 para. 42(6)**; S.I. 2010/125, **art. 2(t)**

## 95 Provision supplementary to section 94

- (1) Any reference in section 94 to a certified copy of a document is a reference to a copy of the document which is certified to be a true copy by—
- the relevant licensing authority,
  - a solicitor or notary, or
  - a person of a prescribed description.
- (2) Any certified copy produced in accordance with a requirement under subsection 94(7) must be a copy of the document in the form in which it exists at the time.
- (3) A document which purports to be a certified copy of a document is to be taken to be such a copy, and to comply with the requirements of subsection (2), unless the contrary is shown.
- [<sup>F6</sup>(4) In this section “notary” means a person (other than a solicitor) who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to any activity which constitutes a notarial activity (within the meaning of that Act).]

### Textual Amendments

- F6** S. 95(4) inserted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208, 211, **Sch. 21 para. 141** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(h)**

### Commencement Information

- I1** S. 95(1)(c) in force at 16.12.2003 by S.I. 2003/3222, **art. 2**, **Sch.** and s. 95 in force otherwise at 24.11.2005 by S.I. 2005/3056, **art. 2(2)**

## 96 Inspection of premises before grant of certificate etc.

- (1) Subsection (2) applies where—
- a club applies for a club premises certificate in respect of any premises,
  - a club applies under section 84 for the variation of a club premises certificate held by it, or
  - an application is made under section 87 for review of a club premises certificate.
- (2) On production of his authority—
- an authorised person, or
  - a constable authorised by the chief officer of police, may enter and inspect the premises.

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- (3) Any entry and inspection under this section must take place at a reasonable time on a day—
  - (a) which is not more than 14 days after the making of the application in question, and
  - (b) which is specified in the notice required by subsection (4).
- (4) Before an authorised person or constable enters and inspects any premises under this section, at least 48 hours' notice must be given to the club.
- (5) Any person obstructing an authorised person in the exercise of the power conferred by this section commits an offence.
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (7) The relevant licensing authority may, on the application of a responsible authority, extend by not more than 7 days the time allowed for carrying out an entry and inspection under this section.
- (8) The relevant licensing authority may allow such an extension of time only if it appears to the authority that—
  - (a) reasonable steps had been taken for an authorised person or constable authorised by the applicant to inspect the premises in good time, but
  - (b) it was not possible for the inspection to take place within the time allowed.

#### Commencement Information

**I2** S. 96(1)(a)(2)-(8) in force at 7.2.2005 and s. 96(1)(b) in force for certain purposes at 7.2.2005 and 24.11.2005 otherwise by [S.I. 2004/2360](#), [art. 2](#), [Sch.](#); [S.I. 2005/3056](#), [art. 2](#) (with [Sch.](#))

## 97 Other powers of entry and search

- (1) Where a club premises certificate has effect in respect of any premises, a constable may enter and search the premises if he has reasonable cause to believe—
  - (a) that an offence under section 4(3)(a), (b) or (c) of the Misuse of Drugs Act 1971 (c. 38) (supplying or offering to supply, or being concerned in supplying or making an offer to supply, a controlled drug) has been, is being, or is about to be, committed there, <sup>F7</sup>...
  - [<sup>F8</sup>(aa) that an offence under section 5(1) or (2) of the Psychoactive Substances Act 2016 (supplying, or offering to supply, a psychoactive substance) has been, is being, or is about to be, committed there, or]
  - (b) that there is likely to be a breach of the peace there.
- (2) A constable exercising any power conferred by this section may, if necessary, use reasonable force.

#### Textual Amendments

**F7** Word in [s. 97\(1\)](#) omitted (26.5.2016) by virtue of [Psychoactive Substances Act 2016 \(c. 2\)](#), [s. 63\(2\)](#), [Sch. 5 para. 5\(2\)](#); [S.I. 2016/553](#), [reg. 2](#)

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**F8** S. 97(1)(aa) inserted (26.5.2016) by Psychoactive Substances Act 2016 (c. 2), s. 63(2), **Sch. 5 para. 5(2)**; S.I. 2016/553, reg. 2

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5A inserted by [2015 c. 20 s. 67\(2\)](#)Sch. 17
- s. 2(1A) inserted by [2015 c. 20 s. 67\(1\)](#)
- s. 10(4)(e) and word inserted by [2011 c. 13 s. 121\(3\)\(b\)](#)
- s. 140(2)(e) inserted by [2015 c. 20 s. 67\(4\)\(b\)](#)
- s. 141(2)(e) inserted by [2015 c. 20 s. 67\(5\)\(b\)](#)
- s. 143(2)(e) inserted by [2015 c. 20 s. 67\(6\)\(b\)](#)
- s. 144(2)(e) inserted by [2015 c. 20 s. 67\(7\)\(b\)](#)
- s. 147A(4)(c) inserted by [2015 c. 20 s. 67\(8\)\(b\)](#)
- s. 153(4)(d) inserted by [2015 c. 20 s. 67\(9\)\(b\)](#)
- s. 197(3)(cza) inserted by [2015 c. 20 s. 67\(12\)\(a\)](#)
- s. 197A197B inserted by [2011 c. 13 s. 121\(2\)](#)