STATUTORY INSTRUMENTS

2005 No. 2366

LICENCES AND LICENSING

The Licensing Act 2003 (Personal licence: relevant offences) (Amendment) Order 2005

Made - - - -	*25th August 2005*
Laid before Parliament	*26th August 2005*
Coming into force - -	*16th September 2005*

The Secretary of State, in exercise of the powers conferred upon her by section 113(2) of the Licensing Act 2003 (**1**), hereby makes the following Order:

Citation and Commencement

1. This Order may be cited as the Licensing Act 2003 (Personal licence: relevant offences) (Amendment) Order 2005 and shall come into force on 16th September 2005.

Amendment to the Licensing Act 2003

2. Schedule 4 to the Licensing Act 2003 (personal licence: relevant offences) shall be modified by substituting for the entries in paragraphs 18 and 19 the following—

"**18.** A sexual offence, being an offence —

(a) listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003(**2**), other than the offence mentioned in paragraph 95 (an offence under section 4 of the Sexual Offences Act 1967 (procuring others to commit homosexual acts));

(b) an offence under section 8 of the Sexual Offences Act 1956 (intercourse with a defective);

(c) an offence under section 18 of the Sexual Offences Act 1956 (fraudulent abduction of an heiress).

19. A violent offence, being any offence which leads, or is intended or likely to lead, to a person's death or to physical injury to a person, including an offence which is required to be charged as arson (whether or not it would otherwise fall within this definition)."

(**1**) 2003 c. 17. For the definition of "order" see section 193 of the Act.
(**2**) 2003 c. 44.

Richard Caborn
Minister of State
Department for Culture, Media and Sport

25th August 2005

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the list of offences that are treated as relevant offences for the purposes of an application for a personal licence under Part 6 of the Licensing Act 2003 ("the 2003 Act").

Following the repeal of section 161(2) and (3) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) ("the 2000 Act"), this Order amends paragraph 18 of Schedule 4 to the 2003 Act which defines a sexual offence, by substituting for the reference to the definition of a "sexual offence" in section 161(2) of the 2000 Act, a reference to Part 2 of Schedule 15 to the Criminal Justice Act 2003, with the exception of paragraph 95 (an offence under section 4 of the Sexual Offences Act 1967 (procuring others to commit homosexual acts)) and the addition of the offences under sections 8 and 18 of the Sexual Offences Act 1956 (intercourse with a defective and fraudulent abduction of an heiress). It also amends paragraph 19, which defines violent offence, by substituting for the reference to the definition of a "violent offence" in section 161(3) of that Act a definition of a violent offence which replicates the definition in that subsection (article 2).