



Licensing Act 2003

2003 CHAPTER 17

PART 9

MISCELLANEOUS AND SUPPLEMENTARY

Exemptions etc.

173 Activities in certain locations not licensable

- (1) An activity is not a licensable activity if it is carried on—
 - (a) aboard an aircraft, hovercraft or railway vehicle engaged on a journey,
 - (b) aboard a vessel engaged on an international journey,
 - (c) at an approved wharf at a designated port or hoverport,
 - (d) at an examination station at a designated airport,
 - (e) at a royal palace,
 - (f) at premises which, at the time when the activity is carried on, are permanently or temporarily occupied for the purposes of the armed forces of the Crown,
 - (g) at premises in respect of which a certificate issued under section 174 (exemption for national security) has effect, or
 - (h) at such other place as may be prescribed.
- (2) For the purposes of subsection (1) the period during which an aircraft, hovercraft, railway vehicle or vessel is engaged on a journey includes—
 - (a) any period ending with its departure when preparations are being made for the journey, and
 - (b) any period after its arrival at its destination when it continues to be occupied by those (or any of those) who made the journey (or any part of it).
- (3) The Secretary of State may by order designate a port, hoverport or airport for the purposes of subsection (1), if it appears to him to be one at which there is a substantial amount of international passenger traffic.

Status: This is the original version (as it was originally enacted).

- (4) Any port, airport or hoverport where section 86A or 87 of the Licensing Act 1964 (c. 26) is in operation immediately before the commencement of this section is, on and after that commencement, to be treated for the purposes of subsection (1) as if it were designated.
- (5) But provision may by order be made for subsection (4) to cease to have effect in relation to any port, airport or hoverport.
- (6) For the purposes of this section—
 - “approved wharf” has the meaning given by section 20A of the Customs and Excise Management Act 1979 (c. 2);
 - “designated” means designated by an order under subsection (3);
 - “examination station” has the meaning given by section 22A of that Act;
 - “international journey” means—
 - (a) a journey from a place in the United Kingdom to an immediate destination outside the United Kingdom, or
 - (b) a journey from a place outside the United Kingdom to an immediate destination in the United Kingdom; and
 - “railway vehicle” has the meaning given by section 83 of the Railways Act 1993 (c. 43).

174 Certifying of premises on grounds of national security

- (1) A Minister of the Crown may issue a certificate under this section in respect of any premises, if he considers that it is appropriate to do so for the purposes of safeguarding national security.
- (2) A certificate under this section may identify the premises in question by means of a general description.
- (3) A document purporting to be a certificate under this section is to be received in evidence and treated as being a certificate under this section unless the contrary is proved.
- (4) A document which purports to be certified by or on behalf of a Minister of the Crown as a true copy of a certificate given by a Minister of the Crown under this section is evidence of that certificate.
- (5) A Minister of the Crown may cancel a certificate issued by him, or any other Minister of the Crown, under this section.
- (6) The powers conferred by this section on a Minister of the Crown may be exercised only by a Minister who is a member of the Cabinet or by the Attorney General.
- (7) In this section “Minister of the Crown” has the meaning given by the Ministers of the Crown Act 1975 (c. 26).

175 Exemption for raffle, tombola, etc.

- (1) The conduct of a lottery which, but for this subsection, would to any extent constitute a licensable activity by reason of one or more of the prizes in the lottery consisting of alcohol, is not (for that reason alone) to be treated as constituting a licensable activity if—

- (a) the lottery is promoted as an incident of an exempt entertainment,
 - (b) after the deduction of all relevant expenses, the whole proceeds of the entertainment (including those of the lottery) are applied for purposes other than private gain, and
 - (c) subsection (2) does not apply.
- (2) This subsection applies if—
- (a) the alcohol consists of or includes alcohol not in a sealed container,
 - (b) any prize in the lottery is a money prize,
 - (c) a ticket or chance in the lottery is sold or issued, or the result of the lottery is declared, other than at the premises where the entertainment takes place and during the entertainment, or
 - (d) the opportunity to participate in a lottery or in gaming is the only or main inducement to attend the entertainment.
- (3) For the purposes of subsection (1)(b), the following are relevant expenses—
- (a) the expenses of the entertainment, excluding expenses incurred in connection with the lottery,
 - (b) the expenses incurred in printing tickets in the lottery,
 - (c) such reasonable and proper expenses as the promoters of the lottery appropriate on account of any expenses they incur in buying prizes in the lottery.
- (4) In this section—
- “exempt entertainment” has the same meaning as in section 3(1) of the Lotteries and Amusements Act 1976 (c. 32);
 - “gaming” has the meaning given by section 52 of the Gaming Act 1968 (c. 65);
 - “money” and “ticket” have the meaning given by section 23 of the Lotteries and Amusements Act 1976; and
 - “private gain”, in relation to the proceeds of an entertainment, is to be construed in accordance with section 22 of that Act.