



Licensing Act 2003

2003 CHAPTER 17

PART 9

MISCELLANEOUS AND SUPPLEMENTARY

Interpretation

190 Location of sales

- (1) This section applies where the place where a contract for the sale of alcohol is made is different from the place where the alcohol is appropriated to the contract.
- (2) For the purposes of this Act the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract.

191 Meaning of “alcohol”

- (1) In this Act, “alcohol” means spirits, wine, beer, cider or any other fermented, distilled or spirituous liquor, but does not include—
 - (a) alcohol which is of a strength not exceeding 0.5% at the time of the sale or supply in question,
 - (b) perfume,
 - (c) flavouring essences recognised by the Commissioners of Customs and Excise as not being intended for consumption as or with dutiable alcoholic liquor,
 - (d) the aromatic flavouring essence commonly known as Angostura bitters,
 - (e) alcohol which is, or is included in, a medicinal product,
 - (f) denatured alcohol,
 - (g) methyl alcohol,
 - (h) naphtha, or
 - (i) alcohol contained in liqueur confectionery.
- (2) In this section—

Status: This is the original version (as it was originally enacted).

“denatured alcohol” has the same meaning as in section 5 of the Finance Act 1995 (c. 4);

“dutiabale alcoholic liquor” has the same meaning as in the Alcoholic Liquor Duties Act 1979 (c. 4);

“liqueur confectionery” means confectionery which—

- (a) contains alcohol in a proportion not greater than 0.2 litres of alcohol (of a strength not exceeding 57%) per kilogram of the confectionery, and
- (b) either consists of separate pieces weighing not more than 42g or is designed to be broken into such pieces for the purpose of consumption;

“medicinal product” has the same meaning as in section 130 of the Medicines Act 1968 (c. 67); and

“strength” is to be construed in accordance with section 2 of the Alcoholic Liquor Duties Act 1979.

192 Meaning of “sale by retail”

(1) For the purposes of this Act “sale by retail”, in relation to any alcohol, means a sale of alcohol to any person, other than a sale of alcohol that—

- (a) is within subsection (2),
- (b) is made from premises owned by the person making the sale, or occupied by him under a lease to which the provisions of Part 2 of the Landlord and Tenant Act 1954 (c. 56) (security of tenure) apply, and
- (c) is made for consumption off the premises.

(2) A sale of alcohol is within this subsection if it is—

- (a) to a trader for the purposes of his trade,
- (b) to a club, which holds a club premises certificate, for the purposes of that club,
- (c) to the holder of a personal licence for the purpose of making sales authorised by a premises licence,
- (d) to the holder of a premises licence for the purpose of making sales authorised by that licence, or
- (e) to the premises user in relation to a temporary event notice for the purpose of making sales authorised by that notice.

193 Other definitions

In this Act—

“beer” has the same meaning as in the Alcoholic Liquor Duties Act 1979 (c. 4);

“cider” has the same meaning as in that Act;

“crime prevention objective” means the licensing objective mentioned in section 4(2)(a) (prevention of crime and disorder);

“licensed premises” means premises in respect of which a premises licence has effect;

“licensing functions” is to be construed in accordance with section 4(1);

“order”, except so far as the contrary intention appears, means an order made by the Secretary of State;

“premises” means any place and includes a vehicle, vessel or moveable structure;

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

- “prescribed” means prescribed by regulations;
- “recognised club” means a club which satisfies conditions 1 to 3 of the general conditions in section 62;
- “regulations” means regulations made by the Secretary of State;
- “vehicle” means a vehicle intended or adapted for use on roads;
- “vessel” includes a ship, boat, raft or other apparatus constructed or adapted for floating on water;
- “wine” means—
- (a) “wine” within the meaning of the Alcoholic Liquor Duties Act 1979, and
- (b) “made-wine” within the meaning of that Act;
- “working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 (c. 80) in England and Wales.

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

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