



Licensing Act 2003

2003 CHAPTER 17

PART 9

MISCELLANEOUS AND SUPPLEMENTARY

Supplementary and general

195 Crown application

- (1) This Act binds the Crown and has effect in relation to land in which there is—
 - (a) an interest belonging to Her Majesty in right of the Crown,
 - (b) an interest belonging to a government department, or
 - (c) an interest held in trust for Her Majesty for the purposes of such a department.
- (2) This Act also applies to—
 - (a) land which is vested in, but not occupied by, Her Majesty in right of the Duchy of Lancaster, and
 - (b) land which is vested in, but not occupied by, the possessor for the time being of the Duchy of Cornwall.
- (3) No contravention by the Crown of any provision made by or under this Act makes the Crown criminally liable; but the High Court may declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (4) Provision made by or under this Act applies to persons in the public service of the Crown as it applies to other persons.
- (5) But nothing in this Act affects Her Majesty in Her private capacity.

196 Removal of privileges and exemptions

No privilege or exemption mentioned in section 199(a) or (b) of the Licensing Act 1964 (c. 26) (University of Cambridge and the Vintners of the City of London) operates to exempt any person from the requirements of this Act.

Status: Point in time view as at 29/01/2010.

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197 Regulations and orders

- (1) Any power of the Secretary of State to make regulations or an order under this Act is exercisable by statutory instrument.
- (2) Regulations or an order under this Act—
 - (a) may include incidental, supplementary, consequential or transitional provision or savings;
 - (b) may make provision generally or only in relation to specified cases;
 - (c) may make different provision for different purposes.
- (3) A statutory instrument containing regulations or an order under this Act, other than one containing—
 - (a) an order under section 5(2) (order appointing start of first period for which statement of licensing policy to be prepared),
 - [^{F1}(aa) an order under section 19A or 73B (orders in relation to mandatory licensing conditions),]
 - (b) an order under section 100(8) (alteration of maximum temporary event period),
 - (c) an order under section 107(12) (alteration of limit on number of temporary event notices),
 - [^{F2}(ca) an order under section 147A(9) (increase of maximum fine for offence of persistently selling alcohol to children) to which subsection (4A) applies;]
 - (d) an order under section 172 (relaxation of opening hours for special occasions),
 - (e) an order under section 176(3) (order amending definition of “excluded premises” where alcohol sales are prohibited),
 - (f) an order under section 201 (commencement), or
 - (g) an order under paragraph 4 of Schedule 1 (power to amend meaning of regulated entertainment),

is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) A statutory instrument containing an order within [^{F3}subsection (3)(aa), (b),], (c), [^{F4}(ca),](d), (e) or (g) is not to be made unless a draft of the instrument containing the order has been laid before and approved by a resolution of each House of Parliament.
- [^{F5}(4A) This subsection applies to an order under section 147A(9) if it appears to the Secretary of State that the power to make the order is being exercised for purposes that are not confined to the increase of the maximum fine to take account of changes in the value of money.]
- (5) If a draft of an order within subsection (3)(d) would, apart from this subsection, be treated for the purposes of the Standing Orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not such an instrument.

Textual Amendments

- F1** S. 197(3)(aa) inserted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112, 116, [Sch. 7 para. 44\(2\)](#); [S.I. 2010/125](#), [art. 2\(t\)](#)
- F2** S. 197(3)(ca) inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [ss. 23\(3\)\(a\)](#), 66(2)(3); [S.I. 2007/858](#), [art. 2\(a\)](#)
- F3** Words in s. 197(4) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112, 116, [Sch. 7 para. 44\(3\)](#); [S.I. 2010/125](#), [art. 2\(t\)](#)

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- F4** Word in s. 197(4) inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), **ss. 23(3)(b)**, 66(2)(3); [S.I. 2007/858](#), **art. 2(a)**
- F5** S. 197(4A) inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), **ss. 23(3)(c)**, 66(2)(3); [S.I. 2007/858](#), **art. 2(a)**

198 Minor and consequential amendments

- (1) Schedule 6 (which makes minor and consequential amendments) has effect.
- (2) The Secretary of State may, in consequence of any provision of this Act or of any instrument made under it, by order make such amendments (including repeals or revocations) as appear to him to be appropriate in—
- (a) any Act passed, or
 - (b) any subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30) made,
- before that provision comes into force.

Commencement Information

- I1** S. 198(2) in force at 16.12.2003 by [S.I. 2003/3222](#), **art. 2**, [Sch.](#); s. 198(1) in force at 24.11.2005 by [S.I. 2004/3056](#), **art. 2** (with [art. 3](#))

199 Repeals

The enactments mentioned in Schedule 7 (which include provisions that are spent) are repealed to the extent specified.

Commencement Information

- I2** S. 199 in force for certain purposes at 17.7.2003 by [S.I. 2003/1911](#), **art. 2**; s. 199 in force for certain further purposes at 10.9.2003 by [S.I. 2003/2100](#), **art. 2**; s. 199 in force for certain further purposes at 24.11.2005 by [S.I. 2005/3056](#), **art. 2** (with [art. 4](#))

200 Transitional provision etc.

Schedule 8 (which makes transitional and transitory provision and savings) has effect.

Commencement Information

- I3** S. 200 in force for certain purposes at 16.12.2003 by [S.I. 2003/3222](#), **art. 2**, [Sch.](#); s. 200 in force for certain further purposes at 7.7.2004 by [S.I. 2004/1738](#), **art. 2**; s. 200 in force for certain further purposes at 7.2.2005 by [S.I. 2004/2360](#), **art. 2(1)**, [Sch.](#); s. 200 otherwise in force at 24.11.2005 by [S.I. 2005/3056](#), **art. 2(2)** (with [Sch.](#))

201 Short title, commencement and extent

- (1) This Act may be cited as the Licensing Act 2003.

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- (2) The preceding provisions (and the Schedules) come into force in accordance with provision made by order.
- (3) Subject to subsections (4) and (5), this Act extends to England and Wales only.
- (4) Section 155(1) also extends to Northern Ireland.
- (5) An amendment or repeal contained in Schedule 6 or 7 has the same extent as the enactment to which it relates.

Subordinate Legislation Made

- P1** S. 200(2) power partly exercised: 17.7.2003 appointed for specified provisions by {[S.I. 2003/1911](#)}, art. 2
- S. 200(2) power partly exercised: 10.9.2003 appointed for specified provisions by {[S.I. 2003/2100](#)}, art. 2
- S. 200(2) power partly exercised: 16.12.2003 appointed for specified provisions by {[S.I. 2003/3222](#)}, art. 2, Sch.
- S. 200(2) power partly exercised: 17.7.2004 appointed for specified provisions by {[S.I. 2004/1738](#)}, art. 2
- S. 200(2) power partly exercised: 7.2.2005 appointed for specified provisions by {[S.I. 2004/2360](#)}, art. 2
- S. 200(2) power partly exercised: 7.8.2005 appointed for specified provisions by {[S.I. 2005/2090](#)}, art. 2, Sch.
- S. 200(2) power partly exercised: 10.11.2005 and 24.11.2005 appointed for specified provisions by {[S.I. 2005/3056](#)}, art. 2 (with art. 3, Sch.)

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