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Changes to legislation: Licensing Act 2003, SCHEDULE 1 is up to date with all changes known to be in force on or before 23 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1

PROVISION OF REGULATED ENTERTAINMENT

PART 1

GENERAL DEFINITIONS

The provision of regulated entertainment

- 1 [F1(1) For the purposes of this Act, the “provision of regulated entertainment” means the provision of entertainment of a description falling within paragraph 2 where the conditions in sub-paragraphs (2) and (3) are satisfied.]
- (2) The first condition is that the entertainment is F2... provided—
- (a) to any extent for members of the public or a section of the public,
 - (b) exclusively for members of a club which is a qualifying club in relation to the provision of regulated entertainment, or for members of such a club and their guests, or
 - (c) in any case not falling within paragraph (a) or (b), for consideration and with a view to profit.
- [F3(3) The second condition is that the premises on which the entertainment is provided are made available for the purpose, or for purposes which include the purpose, of enabling the entertainment concerned to take place.]
- [F4(4) For the purposes of sub-paragraph (2)(c), entertainment is to be regarded as provided for consideration only if any charge—
- (a) is made by or on behalf of any person concerned in the organisation or management of that entertainment, and
 - (b) is paid by or on behalf of some or all of the persons for whom that entertainment is provided.]
- (5) In sub-paragraph (4), “charge” includes any charge for the provision of goods or services.
- (6) For the purposes of sub-paragraph (4)(a), where the entertainment consists of the performance of live music or the playing of recorded music, a person performing or playing the music is not concerned in the organisation or management of the entertainment by reason only that he does one or more of the following—
- (a) chooses the music to be performed or played,
 - (b) determines the manner in which he performs or plays it,
 - F5(c)
- (7) This paragraph is subject to Part 2 of this Schedule (exemptions).

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Textual Amendments

- F1** Sch. 1 para. 1(1) substituted (1.10.2012) by [Live Music Act 2012 \(c. 2\)](#), **ss. 2(2)**, 4(2); S.I. 2012/2115, [art. 2](#)
- F2** Words in Sch. 1 para. 1(2) omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\)](#), **ss. 2(3)**, 4(2); S.I. 2012/2115, [art. 2](#)
- F3** Sch. 1 para. 1(3) substituted (1.10.2012) by [Live Music Act 2012 \(c. 2\)](#), **ss. 2(4)**, 4(2); S.I. 2012/2115, [art. 2](#)
- F4** Sch. 1 para. 1(4) substituted (1.10.2012) by [Live Music Act 2012 \(c. 2\)](#), **ss. 2(5)**, 4(2); S.I. 2012/2115, [art. 2](#)
- F5** Sch. 1 para. 1(6)(c) omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\)](#), **ss. 2(6)**, 4(2); S.I. 2012/2115, [art. 2](#)

Entertainment

- 2 (1) The descriptions of entertainment are—
- (a) a performance of a play,
 - (b) an exhibition of a film,
 - (c) an indoor sporting event,
 - (d) a boxing or wrestling entertainment,
 - (e) a performance of live music,
 - (f) any playing of recorded music,
 - (g) a performance of dance,
 - (h) entertainment of a similar description to that falling within paragraph (e), (f) or (g),
- where [^{F6}the following conditions are satisfied (so far as relevant)].
- [^{F7}(1A) The first condition is that the entertainment—
- (a) takes place in the presence of an audience, and
 - (b) is provided for the purpose, or for purposes which include the purpose, of entertaining that audience.
- (1B) The second condition is relevant only to a performance of a play, and is that one or more of the following applies—
- (a) the audience consists of more than 500 persons;
 - (b) the entertainment takes place before 8am on any day;
 - (c) the entertainment takes place after 11pm on any day.
- (1C) The third condition is relevant only to an indoor sporting event, and is that one or more of the following applies—
- (a) the audience consists of more than 1000 persons;
 - (b) the entertainment takes place before 8am on any day;
 - (c) the entertainment takes place after 11pm on any day.
- (1D) The fourth condition is relevant only to a performance of dance, and is that one or more of the following applies—
- (a) the audience consists of more than 500 persons;
 - (b) the entertainment takes place before 8am on any day;
 - (c) the entertainment takes place after 11pm on any day;

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- (d) the entertainment is relevant entertainment within the meaning of paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (meaning of “sexual entertainment venue”).
- (1E) So much of any entertainment of a description specified in paragraphs (a) to (h) of sub-paragraph (1) as does not satisfy the conditions in sub-paragraphs (1A) to (1D) (so far as relevant) is not to be regarded as falling within sub-paragraph (1).]
- (2) Any reference in [^{F8}in this paragraph] to an audience includes a reference to spectators.
- (3) This paragraph is subject to Part 3 of this Schedule (interpretation).

Textual Amendments

- F6** Words in Sch. 1 para. 2(1) substituted (27.6.2013) by [The Licensing Act 2003 \(Descriptions of Entertainment\) \(Amendment\) Order 2013 \(S.I. 2013/1578\)](#), arts. 1(1), **2(2)** (with art. 5)
- F7** Sch. 1 para. 2(1A)-(1E) inserted (27.6.2013) by [The Licensing Act 2003 \(Descriptions of Entertainment\) \(Amendment\) Order 2013 \(S.I. 2013/1578\)](#), arts. 1(1), **2(3)** (with art. 5)
- F8** Words in Sch. 1 para. 2(2) substituted (27.6.2013) by [The Licensing Act 2003 \(Descriptions of Entertainment\) \(Amendment\) Order 2013 \(S.I. 2013/1578\)](#), arts. 1(1), **2(4)** (with art. 5)

Entertainment facilities

^{F9}3

Textual Amendments

- F9** Sch. 1 para. 3 omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\)](#), ss. **2(7)**, 4(2); S.I. 2012/2115, art. 2

Power to amend Schedule

[^{F10}4 The Secretary of State may by order amend this Schedule for the purposes of modifying the descriptions of entertainment specified in paragraph 2, and for this purpose “modify” includes adding, varying or removing any description.]

Textual Amendments

- F10** Sch. 1 para. 4 substituted (1.10.2012) by [Live Music Act 2012 \(c. 2\)](#), ss. **2(8)**, 4(2); S.I. 2012/2115, art. 2

PART 2

EXEMPTIONS

Film exhibitions for the purposes of advertisement, information, education, etc.

5 The provision of entertainment consisting of the exhibition of a film is not to be regarded as the provision of regulated entertainment for the purposes of this Act if its sole or main purpose is to—

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- (a) demonstrate any product,
- (b) advertise any goods or services, or
- (c) provide information, education or instruction.

Film exhibitions: museums and art galleries

- 6 The provision of entertainment consisting of the exhibition of a film is not to be regarded as the provision of regulated entertainment for the purposes of this Act if it consists of or forms part of an exhibit put on show for any purposes of a museum or art gallery.

Music incidental to certain other activities

- [^{F117} The provision of entertainment consisting of the performance of live music or the playing of recorded music is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it is incidental to some other activity which is not itself a description of entertainment falling within paragraph 2.]

Textual Amendments

F11 Sch. 1 para. 7 substituted (1.10.2012) by [Live Music Act 2012 \(c. 2\)](#), **ss. 2(9)**, 4(2); S.I. 2012/2115, art. 2

Use of television or radio receivers

- 8 The provision of any entertainment ^{F12}... is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it consists of the simultaneous reception and playing of a programme included in a programme service within the meaning of the Broadcasting Act 1990 (c. 42).

Textual Amendments

F12 Words in Sch. 1 para. 8 omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\)](#), **ss. 2(10)**, 4(2); S.I. 2012/2115, art. 2

Religious services, places of worship etc.

- 9 The provision of any entertainment ^{F13}...—
- (a) for the purposes of, or for purposes incidental to, a religious meeting or service, or
 - (b) at a place of public religious worship,
- is not to be regarded as the provision of regulated entertainment for the purposes of this Act.

Textual Amendments

F13 Words in Sch. 1 para. 9 omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\)](#), **ss. 2(11)**, 4(2); S.I. 2012/2115, art. 2

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Garden fêtes, etc.

- 10 (1) The provision of any entertainment^{F14} ... at a garden fête, or at a function or event of a similar character, is not to be regarded as the provision of regulated entertainment for the purposes of this Act.
- (2) But sub-paragraph (1) does not apply if the fête, function or event is promoted with a view to applying the whole or part of its proceeds for purposes of private gain.
- (3) In sub-paragraph (2) “private gain”, in relation to the proceeds of a fête, function or event, is to be construed in accordance with [^{F15}section 19(3) of the Gambling Act 2005].

Textual Amendments

- F14** Words in Sch. 1 para. 10(1) omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\), ss. 2\(12\), 4\(2\); S.I. 2012/2115, art. 2](#)
- F15** Words in Sch. 1 para. 10(3) substituted (1.9.2007) by [Gambling Act 2005 \(c. 19\), ss. 356, 358, Sch. 16 para. 20\(3\)](#) (with [ss. 352, 354, Sch. 16 para. 21](#)); [S.I. 2006/3272, art. 2\(4\)](#)

Morris dancing etc.

- 11 The provision of any entertainment^{F16} ... is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it consists of the provision of—
- (a) a performance of morris dancing or any dancing of a similar nature or [^{F17}the playing of live or recorded music that forms] an integral part of such a performance , or
- ^{F18}(b)

Textual Amendments

- F16** Words in Sch. 1 para. 11 omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\), ss. 2\(13\)\(a\), 4\(2\); S.I. 2012/2115, art. 2](#)
- F17** Words in Sch. 1 para. 11(a) substituted (1.10.2012) by [Live Music Act 2012 \(c. 2\), ss. 3\(2\), 4\(2\); S.I. 2012/2115, art. 2](#)
- F18** Sch. 1 para. 11(b) omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\), ss. 2\(13\)\(b\), 4\(2\); S.I. 2012/2115, art. 2](#)

[^{F19}Sexual entertainment venues

Textual Amendments

- F19** Sch. 1 para. 11A inserted (6.4.2010 for E. and 8.5.2010 for W.) by [Policing and Crime Act 2009 \(c. 26\), ss. 112, 116, Sch. 7 para. 23; S.I. 2010/722, art. 3](#) (with [arts. 4-12](#)); [S.I. 2010/999, art. 3](#); [S.I. 2010/1375, art. 3](#) (with transitional provisions and savings in [S.I. 2010/1395, arts. 3, 10](#))

- 11A (1) The provision of relevant entertainment—

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- (a) at premises for which a licence for a sexual entertainment venue is required (or the requirement has been waived) by virtue of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, and
- (b) of a kind, and in a way, by virtue of which the premises qualify as such a venue,

is not to be regarded as the provision of regulated entertainment for the purposes of this Act.

(2) The provision of relevant entertainment—

- (a) at premises which are subject to a licence for a sexual entertainment venue but are not such a venue merely because of the operation of paragraph 2A(3) (b) of Schedule 3 to the Act of 1982, and
- (b) of a kind, and in a way, by virtue of which the premises would qualify as such a venue but for the operation of that paragraph,

is not to be regarded as the provision of regulated entertainment for the purposes of this Act.

(3) The provision of entertainment consisting of the performance of live music or the playing of recorded music is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it is an integral part of such provision of relevant entertainment as falls within sub-paragraph (1) or (2).

^{F20}(4)

(5) In this paragraph—

“premises” has the meaning given by paragraph 2A(14) of Schedule 3 to the Act of 1982;

“relevant entertainment” has the meaning given by paragraph 2A(2) of that Schedule to that Act;

“sexual entertainment venue” has the meaning given by paragraph 2A(1) of that Schedule to that Act.]

Textual Amendments

F20 Sch. 1 para. 11A(4) omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\)](#), **ss. 2(14)**, 4(2); [S.I. 2012/2115](#), art. 2

Vehicles in motion

12 The provision of any entertainment ^{F21}...—

- (a) on premises consisting of or forming part of a vehicle, and
- (b) at a time when the vehicle is not permanently or temporarily parked,

is not to be regarded as the provision of regulated entertainment for the purposes of this Act.

Textual Amendments

F21 Words in Sch. 1 para. 12 omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\)](#), **ss. 2(15)**, 4(2); [S.I. 2012/2115](#), art. 2

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[^{F22}Live music in licensed venues

Textual Amendments

F22 Sch. 1 para. 12A and cross-heading inserted (1.10.2012) by [Live Music Act 2012 \(c. 2\), ss. 3\(3\), 4\(2\); S.I. 2012/2115, art. 2](#)

- 12A The provision of entertainment consisting of a performance of live music is not to be regarded as the provision of regulated entertainment for the purposes of this Act on premises authorised to be used for the supply of alcohol for consumption on the premises by a premises licence or club premises certificate, if—
- (a) the requirements of section 177A(1)(a) to (c) are satisfied, and
 - (b) conditions have not been included in the licence or certificate by virtue of section 177A(3) or (4).]

[^{F23}Live music in workplaces

Textual Amendments

F23 Sch. 1 para. 12B and cross-heading inserted (1.10.2012) by [Live Music Act 2012 \(c. 2\), ss. 3\(4\), 4\(2\); S.I. 2012/2115, art. 2](#)

- 12B The provision of entertainment consisting of a performance of live music is not to be regarded as the provision of regulated entertainment for the purposes of this Act, provided that—
- (a) the place where the performance is provided is not licensed under this Act (or is so licensed only for the provision of late night refreshment) but is a workplace as defined in regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations 1992,
 - (b) the performance takes place in the presence of an audience of no more than 200 persons, and
 - (c) the performance takes place between 8am and 11pm on the same day.]

[^{F24}Live unamplified music

Textual Amendments

F24 Sch. 1 para. 12C and cross-heading inserted (1.10.2012) by [Live Music Act 2012 \(c. 2\), ss. 3\(5\), 4\(2\); S.I. 2012/2115, art. 2](#)

- 12C The provision of entertainment consisting of a performance of live music is not (subject to section 177A(3) and (4)) to be regarded as the provision of regulated entertainment for the purposes of this Act provided that the music—
- (a) is unamplified; and
 - (b) takes place between 8am and 11pm on the same day.]

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PART 3

INTERPRETATION

General

13 This Part has effect for the purposes of this Schedule.

Plays

- 14 (1) A “performance of a play” means a performance of any dramatic piece, whether involving improvisation or not,—
- (a) which is given wholly or in part by one or more persons actually present and performing, and
 - (b) in which the whole or a major proportion of what is done by the person or persons performing, whether by way of speech, singing or action, involves the playing of a role.
- (2) In this paragraph, “performance” includes rehearsal (and “performing” is to be construed accordingly).

Film exhibitions

15 An “exhibition of a film” means any exhibition of moving pictures.

Indoor sporting events

- 16 (1) An “indoor sporting event” is a sporting event—
- (a) which takes place wholly inside a building, and
 - (b) at which the spectators present at the event are accommodated wholly inside that building.
- (2) In this paragraph—
- “building” means any roofed structure (other than a structure with a roof which may be opened or closed) and includes a vehicle, vessel or moveable structure,
 - “sporting event” means any contest, exhibition or display of any sport [F25 other than a boxing or wrestling entertainment], and
 - “sport” includes—
 - (a) any game in which physical skill is the predominant factor, and
 - (b) any form of physical recreation which is also engaged in for purposes of competition or display.

Textual Amendments

F25 Words in Sch. 1 para. 16(2) inserted (27.6.2013) by [The Licensing Act 2003 \(Descriptions of Entertainment\) \(Amendment\) Order 2013 \(S.I. 2013/1578\)](#), arts. 1(1), 3 (with art. 5)

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Boxing or wrestling entertainments

- 17 A “boxing or wrestling entertainment” is any contest, exhibition or display of boxing or wrestling^{F26}, or which combines boxing or wrestling with one or more martial arts].

Textual Amendments

- F26** Words in Sch. 1 para. 17 inserted (27.6.2013) by [The Licensing Act 2003 \(Descriptions of Entertainment\) \(Amendment\) Order 2013 \(S.I. 2013/1578\)](#), arts. 1(1), 4 (with art. 5)

Music

- 18 “Music” includes vocal or instrumental music or any combination of the two.

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