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## SCHEDULES

### SCHEDULE 1

Section 1

#### PROVISION OF REGULATED ENTERTAINMENT

##### PART 1

##### GENERAL DEFINITIONS

###### *The provision of regulated entertainment*

- 1 (1) For the purposes of this Act the “provision of regulated entertainment” means the provision of—
- (a) entertainment of a description falling within paragraph 2, or
  - (b) entertainment facilities falling within paragraph 3,
- where the conditions in sub-paragraphs (2) and (3) are satisfied.
- (2) The first condition is that the entertainment is, or entertainment facilities are, 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.
- (3) The second condition is that the premises on which the entertainment is, or entertainment facilities are, provided are made available for the purpose, or for purposes which include the purpose, of enabling the entertainment concerned (whether of a description falling within paragraph 2(1) or paragraph 3(2)) to take place.

To the extent that the provision of entertainment facilities consists of making premises available, the premises are to be regarded for the purposes of this sub-paragraph as premises “on which” entertainment facilities are provided.

- (4) For the purposes of sub-paragraph (2)(c), entertainment is, or entertainment facilities are, to be regarded as provided for consideration only if any charge—
- (a) is made by or on behalf of—
    - (i) any person concerned in the organisation or management of that entertainment, or
    - (ii) any person concerned in the organisation or management of those facilities who is also concerned in the organisation or management of the entertainment within paragraph 3(2) in which those facilities enable persons to take part, and

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- (b) is paid by or on behalf of some or all of the persons for whom that entertainment is, or those facilities are, 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,
  - (c) provides any facilities for the purposes of his performance or playing of the music.
- (7) This paragraph is subject to Part 2 of this Schedule (exemptions).

#### *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 the entertainment takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience.
- (2) Any reference in sub-paragraph (1) to an audience includes a reference to spectators.
- (3) This paragraph is subject to Part 3 of this Schedule (interpretation).

#### *Entertainment facilities*

- 3 (1) In this Schedule, “entertainment facilities” means facilities for enabling persons to take part in entertainment of a description falling within sub-paragraph (2) for the purpose, or for purposes which include the purpose, of being entertained.
- (2) The descriptions of entertainment are—
  - (a) making music,
  - (b) dancing,
  - (c) entertainment of a similar description to that falling within paragraph (a) or (b).
- (3) This paragraph is subject to Part 3 of this Schedule (interpretation).

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### *Power to amend Schedule*

- 4 The Secretary of State may by order amend this Schedule for the purpose of modifying—
- (a) the descriptions of entertainment specified in paragraph 2, or
  - (b) the descriptions of entertainment specified in paragraph 3,
- and for this purpose “modify” includes adding, varying or removing any description.

## **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—
- (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*

- 7 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) a description of entertainment falling within paragraph 2, or
  - (b) the provision of entertainment facilities.

#### *Use of television or radio receivers*

- 8 The provision of any entertainment or entertainment facilities 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).

#### *Religious services, places of worship etc.*

- 9 The provision of any entertainment or entertainment facilities—
- (a) for the purposes of, or for purposes incidental to, a religious meeting or service, or
  - (b) at a place of public religious worship,

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

*Garden fêtes, etc.*

- 10 (1) The provision of any entertainment or entertainment facilities 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 section 22 of the Lotteries and Amusements Act 1976 (c. 32).

*Morris dancing etc.*

- 11 The provision of any entertainment or entertainment facilities 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 a performance of unamplified, live music as an integral part of such a performance, or
- (b) facilities for enabling persons to take part in entertainment of a description falling within paragraph (a).

*[<sup>F1</sup>Sexual entertainment venues*

**Textual Amendments**

**F1** 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—
- (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

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- (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).
- (4) The provision of entertainment facilities is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it is for the purposes of such provision of entertainment as falls within sub-paragraph (1), (2) or (3).
- (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.]

#### *Vehicles in motion*

- 12 The provision of any entertainment or entertainment facilities—  
(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.

### **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).

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*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, 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.

*Boxing or wrestling entertainments*

- 17 A “boxing or wrestling entertainment” is any contest, exhibition or display of boxing or wrestling.

*Music*

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

SCHEDULE 2

Section 1

PROVISION OF LATE NIGHT REFRESHMENT

*The provision of late night refreshment*

- 1 (1) For the purposes of this Act, a person “provides late night refreshment” if—
- (a) at any time between the hours of 11.00 p.m. and 5.00 a.m., he supplies hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises, or
  - (b) at any time between those hours when members of the public, or a section of the public, are admitted to any premises, he supplies, or holds himself out as willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises,
- unless the supply is an exempt supply by virtue of paragraph 3, 4 or 5.
- (2) References in this Act to the “provision of late night refreshment” are to be construed in accordance with sub-paragraph (1).
- (3) This paragraph is subject to the following provisions of this Schedule.

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*Hot food or hot drink*

- 2 Food or drink supplied on or from any premises is “hot” for the purposes of this Schedule if the food or drink, or any part of it,—
- (a) before it is supplied, is heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above that temperature, or
  - (b) after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.

*Exempt supplies: clubs, hotels etc. and employees*

- 3 (1) The supply of hot food or hot drink on or from any premises at any time is an exempt supply for the purposes of paragraph 1(1) if, at that time, a person will neither—
- (a) be admitted to the premises, nor
  - (b) be supplied with hot food or hot drink on or from the premises,
- except by virtue of being a person of a description falling within sub-paragraph (2).
- (2) The descriptions are that—
- (a) he is a member of a recognised club,
  - (b) he is a person staying at a particular hotel, or at particular comparable premises, for the night in question,
  - (c) he is an employee of a particular employer,
  - (d) he is engaged in a particular trade, he is a member of a particular profession or he follows a particular vocation,
  - (e) he is a guest of a person falling within any of paragraphs (a) to (d).
- (3) The premises which, for the purposes of sub-paragraph (2)(b), are comparable to a hotel are—
- (a) a guest house, lodging house or hostel,
  - (b) a caravan site or camping site, or
  - (c) any other premises the main purpose of maintaining which is the provision of facilities for overnight accommodation.

*Exempt supplies: premises licensed under certain other Acts*

- 4 The supply of hot food or hot drink on or from any premises is an exempt supply for the purposes of paragraph 1(1) if it takes place during a period for which—
- (a) the premises may be used for a public exhibition of a kind described in section 21(1) of the Greater London Council (General Powers) Act 1966 (c. xxviii) by virtue of a licence under that section, or
  - (b) the premises may be used as near beer premises within the meaning of section 14 of the London Local Authorities Act 1995 (c. x) by virtue of a licence under section 16 of that Act.

*Miscellaneous exempt supplies*

- 5 (1) The following supplies of hot food or hot drink are exempt supplies for the purposes of paragraph 1(1)—

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- (a) the supply of hot drink which consists of or contains alcohol,
  - (b) the supply of hot drink by means of a vending machine,
  - (c) the supply of hot food or hot drink free of charge,
  - (d) the supply of hot food or hot drink by a registered charity or a person authorised by a registered charity,
  - (e) the supply of hot food or hot drink on a vehicle at a time when the vehicle is not permanently or temporarily parked.
- (2) Hot drink is supplied by means of a vending machine for the purposes of sub-paragraph (1)(b) only if—
- (a) the payment for the hot drink is inserted into the machine by a member of the public, and
  - (b) the hot drink is supplied directly by the machine to a member of the public.
- (3) Hot food or hot drink is not to be regarded as supplied free of charge for the purposes of sub-paragraph (1)(c) if, in order to obtain the hot food or hot drink, a charge must be paid—
- (a) for admission to any premises, or
  - (b) for some other item.
- (4) In sub-paragraph (1)(d) “registered charity” means—
- (a) a charity which is registered under section 3 of the Charities Act 1993 (c. 10), or
  - (b) a charity which by virtue of subsection (5) of that section is not required to be so registered.

*Clubs which are not recognised clubs: members and guests*

- 6 For the purposes of this Schedule—
- (a) the supply of hot food or hot drink to a person as being a member, or the guest of a member, of a club which is not a recognised club is to be taken to be a supply to a member of the public, and
  - (b) the admission of any person to any premises as being such a member or guest is to be taken to be the admission of a member of the public.

## SCHEDULE 3

Section 8

### MATTERS TO BE ENTERED IN LICENSING REGISTER

The licensing register kept by a licensing authority under section 8 must contain a record of the following matters—

- (a) any application made to the licensing authority under section 17 (grant of premises licence),
- (b) any application made to it under section 25 (theft etc. of premises licence or summary),
- (c) any notice given to it under section 28 (surrender of premises licence),
- (d) any application made to it under section 29 (provisional notice in respect of premises),
- (e) any notice given to it under section 33 (change of name, etc. of holder of premises licence),
- (f) any application made to it under section 34 (variation of premises licence),



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- (g) any application made to it under section 37 (variation of licence to specify individual as premises supervisor),
- (h) any notice given to it under section 41 (request from designated premises supervisor for removal from premises licence),
- (i) any application made to it under section 42 (transfer of premises licence),
- (j) any notice given to it under section 47 (interim authority notice),
- (k) any application made to it under section 51 (review of premises licence),
- (l) any application made to it under section 71 (application for club premises certificate),
- (m) any application made to it under section 79 (theft, loss, etc. of certificate or summary),
- (n) any notice given to it under section 81 (surrender of club premises certificate),
- (o) any notice given to it under section 82 or 83 (notification of change of name etc.),
- (p) any application made to it under section 84 (application to vary club premises certificate),
- (q) any application made to it under section 87 (application for review of club premises certificate),
- (r) any notice given to it under section 103 (withdrawal of temporary event notice),
- (s) any counter notice given by it under section 105 (counter notice following police objection to temporary event notice),
- (t) any copy of a temporary event notice given to it under section 106 (notice given following the making of modifications to a temporary event notice with police consent),
- (u) any application made to it under section 110 (theft etc. of temporary event notice),
- (v) any notice given to it under section 116 (surrender of personal licence),
- (w) any application made to it under section 117 (grant or renewal of personal licence),
- (x) any application made to it under section 126 (theft, loss or destruction of personal licence),
- (y) any notice given to it under section 127 (change of name, etc. of personal licence holder),
- (z) any notice given to it under section 165(4) (magistrates' court to notify any determination made after closure order),
- (zi) any application under paragraph 2 of Schedule 8 (application for conversion of old licences into premises licence),
- (zii) any application under paragraph 14 of that Schedule (application for conversion of club certificate into club premises certificate).

## SCHEDULE 4

Section 113

### PERSONAL LICENCE: RELEVANT OFFENCES

- 1 An offence under this Act.
- 2 An offence under any of the following enactments—
  - (a) Schedule 12 to the London Government Act 1963 (c. 33) (public entertainment licensing);
  - (b) the Licensing Act 1964 (c. 26);
  - (c) the Private Places of Entertainment (Licensing) Act 1967 (c. 19);
  - (d) section 13 of the Theatres Act 1968 (c. 54);
  - (e) the Late Night Refreshment Houses Act 1969 (c. 53);

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- (f) section 6 of, or Schedule 1 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30);
  - (g) the Licensing (Occasional Permissions) Act 1983 (c. 24);
  - (h) the Cinemas Act 1985 (c. 13);
  - (i) the London Local Authorities Act 1990 (c. vii).
- 3 An offence under the Firearms Act 1968 (c. 27).
- 4 An offence under section 1 of the Trade Descriptions Act 1968 (c. 29) (false trade description of goods) in circumstances where the goods in question are or include alcohol.
- 5 An offence under any of the following provisions of the Theft Act 1968 (c. 60)—
- (a) section 1 (theft);
  - (b) section 8 (robbery);
  - (c) section 9 (burglary);
  - (d) section 10 (aggravated burglary);
  - (e) section 11 (removal of articles from places open to the public);
  - (f) section 12A (aggravated vehicle-taking), in circumstances where subsection (2)(b) of that section applies and the accident caused the death of any person;
  - (g) section 13 (abstracting of electricity);
  - (h) section 15 (obtaining property by deception);
  - (i) section 15A (obtaining a money transfer by deception);
  - (j) section 16 (obtaining pecuniary advantage by deception);
  - (k) section 17 (false accounting);
  - (l) section 19 (false statements by company directors etc.);
  - (m) section 20 (suppression, etc. of documents);
  - (n) section 21 (blackmail);
  - (o) section 22 (handling stolen goods);
  - (p) section 24A (dishonestly retaining a wrongful credit);
  - (q) section 25 (going equipped for stealing etc.).
- 6 An offence under section 7(2) of the Gaming Act 1968 (c. 65) (allowing child to take part in gaming on premises licensed for the sale of alcohol).
- 7 An offence under any of the following provisions of the Misuse of Drugs Act 1971 (c. 38)—
- (a) section 4(2) (production of a controlled drug);
  - (b) section 4(3) (supply of a controlled drug);
  - (c) section 5(3) (possession of a controlled drug with intent to supply);
  - (d) section 8 (permitting activities to take place on premises).
- 8 An offence under either of the following provisions of the Theft Act 1978 (c. 31)—
- (a) section 1 (obtaining services by deception);
  - (b) section 2 (evasion of liability by deception).
- 9 An offence under either of the following provisions of the Customs and Excise Management Act 1979 (c. 2)—
- (a) section 170 (disregarding subsection (1)(a)) (fraudulent evasion of duty etc.);

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- (b) section 170B (taking preparatory steps for evasion of duty).
- 10 An offence under either of the following provisions of the Tobacco Products Duty Act 1979 (c. 7)—
  - (a) section 8G (possession and sale of unmarked tobacco);
  - (b) section 8H (use of premises for sale of unmarked tobacco).
- 11 An offence under the Forgery and Counterfeiting Act 1981 (c. 45) (other than an offence under section 18 or 19 of that Act).
- 12 An offence under the Firearms (Amendment) Act 1988 (c. 45).
- 13 An offence under any of the following provisions of the Copyright, Designs and Patents Act 1988 (c. 48)—
  - (a) section 107(1)(d)(iii) (public exhibition in the course of a business of article infringing copyright);
  - (b) section 107(3) (infringement of copyright by public performance of work etc.);
  - (c) section 198(2) (broadcast etc. of recording of performance made without sufficient consent);
  - (d) section 297(1) (fraudulent reception of transmission);
  - (e) section 297A(1) (supply etc. of unauthorised decoder).
- 14 An offence under any of the following provisions of the Road Traffic Act 1988 (c. 52)—
  - (a) section 3A (causing death by careless driving while under the influence of drink or drugs);
  - (b) section 4 (driving etc. a vehicle when under the influence of drink or drugs);
  - (c) section 5 (driving etc. a vehicle with alcohol concentration above prescribed limit).
- 15 An offence under either of the following provisions of the Food Safety Act 1990 (c. 16) in circumstances where the food in question is or includes alcohol—
  - (a) section 14 (selling food or drink not of the nature, substance or quality demanded);
  - (b) section 15 (falsely describing or presenting food or drink).
- 16 An offence under section 92(1) or (2) of the Trade Marks Act 1994 (c. 26) (unauthorised use of trade mark, etc. in relation to goods) in circumstances where the goods in question are or include alcohol.
- 17 An offence under the Firearms (Amendment) Act 1997 (c. 5).
- [<sup>F2</sup>18 A sexual offence, being an offence —
  - (a) listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003<sup>F3</sup>, 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).]

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**Textual Amendments**

- F2** Sch. 4 paras. 18, 19 substituted (16.9.2005) by [The Licensing Act 2003 \(Personal licence: relevant offences\) \(Amendment\) Order 2005 \(S.I. 2005/2366\)](#), **art. 2**
- F3** 2003 c. 44.

[<sup>F4</sup>19 An 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).]

**Textual Amendments**

- F4** Sch. 4 paras. 18, 19 substituted (16.9.2005) by [The Licensing Act 2003 \(Personal licence: relevant offences\) \(Amendment\) Order 2005 \(S.I. 2005/2366\)](#), **art. 2**

20 An offence under section 3 of the Private Security Industry Act 2001 (c. 12) (engaging in certain activities relating to security without a licence).

VALID FROM 15/01/2007

21 An offence under the Fraud Act 2006.

VALID FROM 26/05/2008

[<sup>F5</sup>22 An offence under regulation 6 of the Business Protection from Misleading Marketing Regulations 2008 (offence of misleading advertising) in circumstances where the advertising in question relates to alcohol or to goods that include alcohol.

**Textual Amendments**

- F5** Sch. 4 paras. 22, 23 inserted (26.5.2008) by virtue of [The Consumer Protection from Unfair Trading Regulations 2008 \(S.I. 2008/1277\)](#), reg. 30(1), **Sch. 2 para. 71** (with reg. 28(2)(3))

VALID FROM 26/05/2008

23 An offence under regulation 8, 9, 10, 11 or 12 of the Consumer Protection from Unfair Trading Regulations 2008 (offences relating to unfair commercial practices) in circumstances where the commercial practice in question is directly connected with the promotion, sale or supply of alcohol or of a product that includes alcohol.]

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*Changes to legislation: Licensing Act 2003 is up to date with all changes known to be in force on or before 01 July 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)*

### Textual Amendments

- F5** Sch. 4 paras. 22, 23 inserted (26.5.2008) by virtue of The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), reg. 30(1), **Sch. 2 para. 71** (with reg. 28(2)(3))

## SCHEDULE 5

Section 181

### APPEALS

#### PART 1

#### PREMISES LICENCES

##### *Rejection of applications relating to premises licences*

- 1 Where a licensing authority—
- (a) rejects an application for a premises licence under section 18,
  - (b) rejects (in whole or in part) an application to vary a premises licence under section 35,
  - (c) rejects an application to vary a premises licence to specify an individual as the premises supervisor under section 39, or
  - (d) rejects an application to transfer a premises licence under section 44,
- the applicant may appeal against the decision.

### Commencement Information

- II** Sch. 5 para. 1(a)(d) in force at 7.2.2005 and Sch. 5 para. 1(b)(c) in force for certain purposes at 7.2.2005 and 7.8.2005 otherwise by [S.I. 2004/2360](#), **art. 2**, [Sch.](#); [S.I. 2005/2090](#), **art. 2**, [Sch.](#)

##### *Decision to grant premises licence or impose conditions etc.*

- 2 (1) This paragraph applies where a licensing authority grants a premises licence under section 18.
- (2) The holder of the licence may appeal against any decision—
- (a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or
  - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).
- (3) Where a person who made relevant representations in relation to the application desires to contend—
- (a) that the licence ought not to have been granted, or
  - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section,

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he may appeal against the decision.

- (4) In sub-paragraph (3) “relevant representations” has the meaning given in section 18(6).

*Issue of provisional statement*

- 3 (1) This paragraph applies where a provisional statement is issued under subsection (3) (c) of section 31.
- (2) An appeal against the decision may be made by—
- (a) the applicant, or
  - (b) any person who made relevant representations in relation to the application.
- (3) In sub-paragraph (2) “relevant representations” has the meaning given in subsection (5) of that section.

*Variation of licence under section 35*

- 4 (1) This paragraph applies where an application to vary a premises licence is granted (in whole or in part) under section 35.
- (2) The applicant may appeal against any decision to modify the conditions of the licence under subsection (4)(a) of that section.
- (3) Where a person who made relevant representations in relation to the application desires to contend—
- (a) that any variation made ought not to have been made, or
  - (b) that, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under subsection (4)(a) of that section,
- he may appeal against the decision.
- (4) In sub-paragraph (3) “relevant representations” has the meaning given in section 35(5).

**Commencement Information**

- I2** Sch. 5 para. 4 in force for certain purposes at 7.2.2005 and 7.8.2005 otherwise by [S.I. 2004/2360, art. 2, Sch.](#); [S.I. 2005/2090, art. 2, Sch.](#)

*Variation of licence to specify individual as premises supervisor*

- 5 (1) This paragraph applies where an application to vary a premises licence is granted under section 39(2) in a case where a chief officer of police gave a notice under section 37(5) (which was not withdrawn).
- (2) The chief officer of police may appeal against the decision to grant the application.

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Licensing Act 2003 is up to date with all changes known to be in force on or before 01 July 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)*

### Commencement Information

- I3** Sch. 5 para. 5 in force for certain purposes at 7.2.2005 and 7.8.2005 otherwise by [S.I. 2004/2360](#), [art. 2](#), [Sch.](#); [S.I. 2005/2090](#), [art. 2](#), [Sch.](#)

### *Transfer of licence*

- 6 (1) This paragraph applies where an application to transfer a premises licence is granted under section 44 in a case where a chief officer of police gave a notice under section 42(6) (which was not withdrawn).
- (2) The chief officer of police may appeal against the decision to grant the application.

### *Interim authority notice*

- 7 (1) This paragraph applies where—
- (a) an interim authority notice is given in accordance with section 47, and
  - (b) a chief officer of police gives a notice under section 48(2) (which is not withdrawn).
- (2) Where the relevant licensing authority decides to cancel the interim authority notice under subsection (3) of section 48, the person who gave the interim authority notice may appeal against that decision.
- (3) Where the relevant licensing authority decides not to cancel the notice under that subsection, the chief officer of police may appeal against that decision.
- (4) Where an appeal is brought under sub-paragraph (2), the court to which it is brought may, on such terms as it thinks fit, order the reinstatement of the interim authority notice pending—
- (a) the disposal of the appeal, or
  - (b) the expiry of the interim authority period,
- whichever first occurs.
- (5) Where the court makes an order under sub-paragraph (4), the premises licence is reinstated from the time the order is made, and section 47 has effect in a case where the appeal is dismissed or abandoned before the end of the interim authority period as if—
- (a) the reference in subsection (7)(b) to the end of the interim authority period were a reference to the time when the appeal is dismissed or abandoned, and
  - (b) the reference in subsection (9)(a) to the interim authority period were a reference to that period disregarding the part of it which falls after that time.
- (6) In this paragraph “interim authority period” has the same meaning as in section 47.

### *Review of premises licence*

- 8 (1) This paragraph applies where an application for a review of a premises licence is decided under section 52.
- (2) An appeal may be made against that decision by—
- (a) the applicant for the review,

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- (b) the holder of the premises licence, or
- (c) any other person who made relevant representations in relation to the application.

(3) In sub-paragraph (2) “relevant representations” has the meaning given in section 52(7).

VALID FROM 01/10/2007

*[<sup>F6</sup>Summary review of premises licence*

**Textual Amendments**

**F6** Sch. 5 para. 8A and cross-heading inserted (1.10.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [ss. 22\(2\)](#), [66\(2\)\(3\)](#); [S.I. 2007/2180](#), [art. 3\(a\)](#)

- 8A (1) This paragraph applies where a review of a premises licence is decided under section 53A(2)(b) (review of premises licence following review notice).
- (2) An appeal may be made against that decision by—
- (a) the chief officer of police for the police area (or each police area) in which the premises are situated,
  - (b) the holder of the premises licence, or
  - (c) any other person who made relevant representations in relation to the application for the review.
- (3) In sub-paragraph (2) “relevant representations” has the meaning given in section 53C(7).]

*General provision about appeals under this Part*

- 9 (1) An appeal under this Part must be made to [<sup>F7</sup>a magistrates' court].
- (2) An appeal under this Part must be commenced by notice of appeal given by the appellant to the [<sup>F8</sup>designated officer] for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.
- (3) On an appeal under paragraph 2(3), 3(2)(b), 4(3), 5(2), 6(2) or 8(2)(a) or (c), the holder of the premises licence is to be the respondent in addition to the licensing authority.
- (4) On an appeal under paragraph 7(3), the person who gave the interim authority notice is to be the respondent in addition to the licensing authority.

**Textual Amendments**

**F7** Words in Sch. 5 para. 9(1) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), [art. 2](#), [Sch. para. 93\(a\)](#)



*Status: Point in time view as at 05/12/2005.*

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- F8** Words in Sch. 5 para. 9(2) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 93\(a\)](#)

## PART 2

### CLUB PREMISES CERTIFICATES

#### *Rejection of applications relating to club premises certificates*

- 10 Where a licensing authority—
- (a) rejects an application for a club premises certificate under section 72, or
  - (b) rejects (in whole or in part) an application to vary a club premises certificate under section 85,
- the club that made the application may appeal against the decision.

#### **Commencement Information**

- I4** Sch. 5 para. 10(a) in force at 7.2.2005 and Sch. 5 para. 10(b) in force for certain purposes at 7.2.2005 and 7.8.2005 otherwise by [S.I. 2004/2360](#), art. 2, Sch.; [S.I. 2005/2090](#), art. 2, Sch.

#### *Decision to grant club premises certificate or impose conditions etc.*

- 11 (1) This paragraph applies where a licensing authority grants a club premises certificate under section 72.
- (2) The club holding the certificate may appeal against any decision—
- (a) to impose conditions on the certificate under subsection (2) or (3)(b) of that section, or
  - (b) to take any step mentioned in subsection (4)(b) of that section (exclusion of qualifying club activity).
- (3) Where a person who made relevant representations in relation to the application desires to contend—
- (a) that the certificate ought not to have been granted, or
  - (b) that, on granting the certificate, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) of that section,
- he may appeal against the decision.
- (4) In sub-paragraph (3) “relevant representations” has the meaning given in section 72(7).

#### *Variation of club premises certificate*

- 12 (1) This paragraph applies where an application to vary a club premises certificate is granted (in whole or in part) under section 85.
- (2) The club may appeal against any decision to modify the conditions of the certificate under subsection (3)(b) of that section.

*Status: Point in time view as at 05/12/2005.*

**Changes to legislation:** Licensing Act 2003 is up to date with all changes known to be in force on or before 01 July 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)

- (3) Where a person who made relevant representations in relation to the application desires to contend—
- (a) that any variation ought not to have been made, or
  - (b) that, when varying the certificate, the licensing authority ought not to have modified the conditions of the certificate, or ought to have modified them in a different way, under subsection (3)(b) of that section,
- he may appeal against the decision.
- (4) In sub-paragraph (3) “relevant representations” has the meaning given in section 85(5).

#### Commencement Information

- I5** Sch. 5 para. 12 in force for certain purposes at 7.2.2005 and otherwise at 7.8.2005 by [S.I. 2004/2360, art. 2, Sch.](#); [S.I. 2005/2090, art. 2, Sch.](#)

#### *Review of club premises certificate*

- 13 (1) This paragraph applies where an application for a review of a club premises certificate is decided under section 88.
- (2) An appeal may be made against that decision by—
- (a) the applicant for the review,
  - (b) the club that holds or held the club premises certificate, or
  - (c) any other person who made relevant representations in relation to the application.
- (3) In sub-paragraph (2) “relevant representations” has the meaning given in section 88(7).

#### *Withdrawal of club premises certificate*

- 14 Where the relevant licensing authority gives notice withdrawing a club premises certificate under section 90, the club which holds or held the certificate may appeal against the decision to withdraw it.

#### *General provision about appeals under this Part*

- 15 (1) An appeal under this Part must be made to [<sup>F9</sup>a magistrates' court].
- (2) An appeal under this Part must be commenced by notice of appeal given by the appellant to the [designated officer] for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.
- (3) On an appeal under paragraph 11(3), 12(3) or 13(2)(a) or (c), the club that holds or held the club premises certificate is to be the respondent in addition to the licensing authority.

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Licensing Act 2003 is up to date with all changes known to be in force on or before 01 July 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)*

#### Extent Information

- E1** Words in Sch. 5 para. 15(2) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 2, Sch. para. 93\(a\)](#)

#### Textual Amendments

- F9** Words in Sch. 5 para. 15(1) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 2, Sch. para. 93\(a\)](#)

### PART 3

#### OTHER APPEALS

##### *Temporary event notices*

- 16 (1) This paragraph applies where—
- (a) a temporary event notice is given under section 100, and
  - (b) a chief officer of police gives an objection notice in accordance with section 104(2).
- (2) Where the relevant licensing authority gives a counter notice under section 105(3), the premises user may appeal against that decision.
- (3) Where that authority decides not to give such a counter notice, the chief officer of police may appeal against that decision.
- (4) An appeal under this paragraph must be made to [<sup>F10</sup>a magistrates' court].
- (5) An appeal under this paragraph must be commenced by notice of appeal given by the appellant to the [<sup>F11</sup>designated officer] for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.
- (6) But no appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins.
- (7) On an appeal under sub-paragraph (3), the premises user is to be the respondent in addition to the licensing authority.
- (8) In this paragraph—
- “objection notice” has the same meaning as in section 104; and
  - “relevant licensing authority” has the meaning given in section 99.

#### Textual Amendments

- F10** Words in s. 16(4) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 2, Sch. para. 93\(a\)](#)
- F11** Words in s. 16(5) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 2, Sch. para. 93\(a\)](#)

*Status: Point in time view as at 05/12/2005.*

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### *Personal licences*

- 17 (1) Where a licensing authority—
- (a) rejects an application for the grant of a personal licence under section 120, or
  - (b) rejects an application for the renewal of a personal licence under section 121, the applicant may appeal against that decision.
- (2) Where a licensing authority grants an application for a personal licence under section 120(7), the chief officer of police who gave the objection notice (within the meaning of section 120(5)) may appeal against that decision.
- (3) Where a licensing authority grants an application for the renewal of a personal licence under section 121(6), the chief officer of police who gave the objection notice (within the meaning of section 121(3)) may appeal against that decision.
- (4) Where a licensing authority revokes a personal licence under section 124(4), the holder of the licence may appeal against that decision.
- (5) Where in a case to which section 124 (convictions coming to light after grant or renewal) applies—
- (a) the chief officer of police for the licensing authority’s area gives a notice under subsection (3) of that section (and does not later withdraw it), and
  - (b) the licensing authority decides not to revoke the licence, the chief officer of police may appeal against the decision.
- (6) An appeal under this paragraph must be made to [<sup>F12</sup>a magistrates' court].
- (7) An appeal under this paragraph must be commenced by notice of appeal given by the appellant to the [<sup>F13</sup>designated officer] for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.
- (8) On an appeal under sub-paragraph (2), (3) or (5), the holder of the personal licence is to be the respondent in addition to the licensing authority.
- (9) Sub-paragraph (10) applies where the holder of a personal licence gives notice of appeal against a decision of a licensing authority to refuse to renew it.
- (10) The relevant licensing authority, or the magistrates' court to which the appeal has been made, may, on such conditions as it thinks fit—
- (a) order that the licence is to continue in force until the relevant time, if it would otherwise cease to have effect before that time, or
  - (b) where the licence has already ceased to have effect, order its reinstatement until the relevant time.
- (11) In sub-paragraph (10) “the relevant time” means—
- (a) the time the appeal is dismissed or abandoned, or
  - (b) where the appeal is allowed, the time the licence is renewed.

#### **Textual Amendments**

**F12** Words in Sch. 5 para. 17(6) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 93\(b\)\(i\)](#)

*Status: Point in time view as at 05/12/2005.*

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**F13** Words in Sch. 5 para. 17(7) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 93\(b\)\(ii\)](#)

**Commencement Information**

**I6** Sch. 5 para. 17 (except paragraphs (1)(b)(9)(10)) in force at 7.2.2005 by [S.I. 2004/2360](#), [art. 2](#), [Sch.](#) and Sch. 5 para. 17 in force otherwise at 24.11.2005 by [S.I. 2005/3056](#), [art. 2](#) (with [Sch.](#))

*Closure orders*

- 18 (1) This paragraph applies where, on a review of a premises licence under section 167, the relevant licensing authority decides under subsection (5)(b) of that section—
- (a) to take any of the steps mentioned in subsection (6) of that section, in relation to a premises licence for those premises, or
  - (b) not to take any such step.
- (2) An appeal may be made against that decision by—
- (a) the holder of the premises licence, or
  - (b) any other person who made relevant representations in relation to the review.
- (3) Where an appeal is made under this paragraph against a decision to take any of the steps mentioned in section 167(6)(a) to (d) (modification of licence conditions etc.), the <sup>F14</sup> . . . magistrates' court may in a case within section 168(3) (premises closed when decision taken)—
- (a) if the relevant licensing authority has not made an order under section 168(5) (order suspending operation of decision in whole or part), make any order under section 168(5) that could have been made by the relevant licensing authority, or
  - (b) if the authority has made such an order, cancel it or substitute for it any order which could have been made by the authority under section 168(5).
- (4) Where an appeal is made under this paragraph in a case within section 168(6) (premises closed when decision to revoke made to remain closed pending appeal), the <sup>F14</sup> . . . magistrates court may, on such conditions as it thinks fit, order that section 168(7) (premises to remain closed pending appeal) is not to apply to the premises.
- (5) An appeal under this paragraph must be commenced by notice of appeal given by the appellant to the [<sup>F15</sup>designated officer] for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the relevant licensing authority of the decision appealed against.
- (6) On an appeal under this paragraph by a person other than the holder of the premises licence, that holder is to be the respondent in addition to the licensing authority that made the decision.
- (7) In this paragraph—
- <sup>F16</sup> . . . . .
- “relevant licensing authority” has the same meaning as in Part 3 of this Act; and
- “relevant representations” has the meaning given in section 167(9).

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Licensing Act 2003 is up to date with all changes known to be in force on or before 01 July 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)*

### Textual Amendments

- F14** Words in Sch. 5 para. 18(3)(4) omitted (1.4.2005) by virtue of [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 93\(c\)\(i\)](#)
- F15** Words in Sch. 5 para. 18(5) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 93\(c\)\(ii\)](#)
- F16** Sch. 5 para. 18(7): definition of "appropriate magistrates' court" omitted (1.4.2005) by virtue of [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 93\(d\)](#)

## SCHEDULE 6

Section 198

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *Universities (Wine Licences) Act 1743 (c. 40)*

- 1 The Universities (Wine Licences) Act 1743 ceases to have effect.

#### *Disorderly Houses Act 1751 (c. 36)*

- 2 The Disorderly Houses Act 1751 does not apply in relation to relevant premises within the meaning of section 159 of the Licensing Act 2003.

#### *Sunday Observance Act 1780 (c. 49)*

- 3 The Sunday Observance Act 1780 ceases to have effect.

#### *Town Police Clauses Act 1847 (c. 89)*

- 4 Section 35 of the Town Police Clauses Act 1847 (harbouring thieves or prostitutes at a public venue) ceases to have effect.

#### *Cambridge Award Act 1856 (c. xvii)*

- 5 The following provisions of the Cambridge Award Act 1856 cease to have effect—
- (a) section 9 (revocation of alehouse licence by justice of the peace following complaint by Vice Chancellor of the University), and
  - (b) section 11 (power to grant wine licence, etc. to remain vested in the Chancellor, Masters and Scholars of the University).

#### *Inebriates Act 1898 (c. 60)*

- 6 In the First Schedule to the Inebriates Act 1898 (offences by reference to which section 6 of the Licensing Act 1902 operates)—
- (a) omit the entry relating to section 18 of the Licensing Act 1872 and the entry relating to section 41 of the Refreshment Houses Act 1860, and
  - (b) after the entries relating to the Merchant Shipping Act 1894 insert—

*Status: Point in time view as at 05/12/2005.*

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“Failing to leave licensed premises,            Licensing Act 2003, s 143.  
etc. when asked to do so.

Entering, or attempting to enter,            ”  
licensed premises, etc. when asked not  
to do so.

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*Licensing Act 1902 (c. 28)*

7            The Licensing Act 1902 is amended as follows.

8            (1) Section 6 (prohibition of sale of alcohol to person declared by the court to be a habitual drunkard) is amended as follows.

(2) For subsection (2) substitute—

“ (2) Subsections (2A) to (2C) apply where a court, in pursuance of this Act, orders notice of a conviction to be sent to a police authority.

(2A) The court shall inform the convicted person that the notice is to be sent to a police authority.

(2B) The convicted person commits an offence if, within the three year period, he buys or obtains, or attempts to buy or obtain, alcohol on relevant premises.

(2C) A person to whom subsection (2D) applies commits an offence if, within the three year period, he knowingly—

- (a) sells, supplies or distributes alcohol on relevant premises, or
- (b) allows the sale, supply or distribution of alcohol on relevant premises,

to, or for consumption by, the convicted person.

(2D) This subsection applies—

- (a) to any person who works at the premises in a capacity, whether paid or unpaid, which gives him authority to sell, supply or distribute the alcohol concerned,
- (b) in the case of licensed premises, to—
  - (i) the holder of a premises licence which authorises the sale or supply of alcohol, and
  - (ii) the designated premises supervisor (if any) under such a licence,
- (c) in the case of premises in respect of which a club premises certificate authorising the sale or supply of alcohol has effect, to any member or officer of the club which holds the certificate who at the time the sale, supply or distribution takes place is present on the premises in a capacity which enables him to prevent it, and
- (d) in the case of premises which may be used for a permitted temporary activity by virtue of Part 5 of the Licensing Act 2003, the premises user in respect of a temporary event notice authorising the sale or supply of alcohol.

(2E) A person guilty of an offence under this section is liable on summary conviction—

*Status: Point in time view as at 05/12/2005.*

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- (a) in the case of an offence under subsection (2B), to a fine not exceeding level 1 on the standard scale, and
- (b) in the case of an offence under subsection (2C), to a fine not exceeding level 2 on the standard scale.”
- (3) In subsection (3), for “licensed persons, and secretaries of clubs registered under Part III of this Act,” substitute “persons to whom subsection (4) applies”.
- (4) After that subsection insert—
- “(4) This subsection applies to—
- (a) the holder of a premises licence which authorises the sale or supply of alcohol,
- (b) the designated premises supervisor (if any) under such a licence,
- (c) the holder of a club premises certificate authorising the sale or supply of alcohol, and
- (d) the premises user in relation to a temporary event notice authorising the sale or supply of alcohol.
- (5) In this section—
- “alcohol”, “club premises certificate”, “designated premises supervisor”, “licensed premises”, “permitted temporary activity”, “premises licence”, “premises user” and “temporary event notice” have the same meaning as in the Licensing Act 2003,
- “relevant premises” means premises which are relevant premises within the meaning of section 159 of that Act and on which alcohol may be lawfully sold or supplied, and
- “the three year period”, in relation to the convicted person, means the period of three years beginning with the day of the conviction.”
- 9 After section 8 (meaning of “public place”) insert—
- “Interpretation of “licensed premises”*
- 8A** For those purposes, “licensed premises” includes—
- (a) any licensed premises within the meaning of section 193 of the Licensing Act 2003, and
- (b) any premises which may be used for a permitted temporary activity by virtue of Part 5 of that Act.”
- Celluloid and Cinematograph Film Act 1922 (c. 35)*
- 10 At the end of section 2 of the Celluloid and Cinematograph Film Act 1922 (premises to which the Act does not apply), add “or which may, by virtue of an authorisation (within the meaning of section 136 of the Licensing Act 2003), be used for an exhibition of a film (within the meaning of paragraph 15 of Schedule 1 to that Act)”.
- Sunday Entertainments Act 1932 (c. 51)*
- 11 The Sunday Entertainments Act 1932 ceases to have effect.



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*Children and Young Persons Act 1933 (c. 12)*

- 12 The Children and Young Persons Act 1933 is amended as follows.
- 13 In section 5 (giving alcohol to a child under five) for “intoxicating liquor” substitute  
“ alcohol (within the meaning given by section 191 of the Licensing Act 2003, but  
disregarding subsection (1)(f) to (i) of that section) ”.
- 14 In section 12 (failing to provide for safety of children at entertainments)—
- (a) in subsection (3) omit the words from “, and also” to the end,
  - (b) in subsection (5), for paragraph (a) substitute—
    - “(a) in the case of a building in respect of which a  
premises licence authorising the provision of regulated  
entertainment has effect, be the duty of the relevant  
licensing authority;”, and
  - (c) after that subsection, insert—
    - “(5A) For the purposes of this section—
    - (a) “premises licence” and “the provision of regulated  
entertainment” have the meaning given by the Licensing  
Act 2003, and
    - (b) “the relevant licensing authority”, in relation to a building  
in respect of which a premises licence has effect, means  
the relevant licensing authority in relation to that building  
under section 12 of that Act.”
- 15 In section 107 (interpretation), omit the definition of “intoxicating liquor”.

*Public Health Act 1936 (c. 49)*

- 16 In section 226 of the Public Health Act 1936 (power of local authority to close  
swimming bath and use it instead for other purposes)—
- (a) for subsection (3) substitute—
    - “(3) Nothing in this section shall authorise the use of a swimming  
bath or bathing place for the provision of regulated entertainment  
(within the meaning of the Licensing Act 2003), unless that activity  
is carried on under and in accordance with an authorisation (within  
the meaning given in section 136 of that Act).”, and
  - (b) omit subsection (4).

*London Building Acts (Amendment) Act 1939 (c. xcvi)*

- 17 In each of the following provisions of the London Building Acts (Amendment)  
Act 1939, for “the premises are so licensed” substitute “the premises are premises  
which, by virtue of a premises licence under the Licensing Act 2003, may be  
used for the supply of alcohol (within the meaning of section 14 of that Act) for  
consumption on the premises”—
- (a) section 11(9)(b) (exemption of licensed premises from provision as to  
naming of buildings),
  - (b) paragraph (A) of the proviso to section 13 (offences as to numbering or  
naming of buildings).

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*Civic Restaurants Act 1947 (c. 22)*

- 18 In section 1(4) of the Civic Restaurants Act 1947 (civic restaurant authority to be subject to law relating to sale of alcohol), for “the enactments relating to the sale of intoxicating liquor” substitute “the Licensing Act 2003 and any other enactment relating to the sale of intoxicating liquor”.

*London County Council (General Powers) Act 1947 (c. xlvi)*

- 19 In section 6(1)(b) of the London County Council (General Powers) Act 1947 (saving in connection with the provision of entertainment for enactments relating to the sale of alcohol), for “any enactment relating to the sale of intoxicating liquor” substitute “the Licensing Act 2003 and any other enactment relating to the sale of intoxicating liquor”.

*National Parks and Access to the Countryside Act 1949 (c. 97)*

- 20 In each of the following provisions of the National Parks and Countryside Act 1949, for “intoxicating liquor” substitute “alcohol (within the meaning of the Licensing Act 2003)”—
- (a) section 12(1)(a) (provision of facilities in National Park),
  - (b) section 54(2) (provision of facilities along long-distance routes).

*Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)*

- 21 The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 is amended as follows.
- 22 In section 14(2)(a) (protection against insecurity of tenure of place of residence), after “premises” insert “in England and Wales which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of section 14 of that Act) on the premises or in Scotland which are”.
- 23 In section 18(3)(a) (protection against insecurity of tenure in connection with employment), after “premises” insert “in England and Wales which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of section 14 of that Act) on the premises for consumption on the premises or in Scotland which are”.
- 24 In section 27(1) (renewal of tenancy expiring during period of service), in the second paragraph (c), for the words “licensed for the sale of intoxicating liquor for consumption on the premises” substitute “which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of section 14 of that Act) for consumption on the premises”.

*Hypnotism Act 1952 (c. 46)*

- 25 The Hypnotism Act 1952 is amended as follows.
- 26 (1) Section 1 (inclusion in an entertainment licence of conditions in relation to demonstrations of hypnotism) is amended as follows.
- (2) In subsection (1)—
- (a) after “any area” insert “in Scotland”, and

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- (b) for “places kept or ordinarily used for public dancing, singing, music or other public entertainment of the like kind” substitute “theatres or other places of public amusement or public entertainment”.

(3) Omit subsection (2).

- 27 In section 2 (requirement for authorisation for demonstration of hypnotism)—
- (a) in subsection (1), for the words from “in relation” to the end substitute “, unless—
    - (a) the controlling authority have authorised that exhibition, demonstration or performance under this section, or
    - (b) the place is in Scotland and a licence mentioned in section 1 of this Act is in force in relation to it.”,
  - (b) in subsection (1A) for the words from “either at premises” to the end substitute “at premises in Scotland in respect of which a licence under that Act is in force”,
  - (c) after subsection (3) insert—

“(3A) A function conferred by this section on a licensing authority is, for the purposes of section 7 of the Licensing Act 2003 (exercise and delegation by licensing authority of licensing functions), to be treated as a licensing function within the meaning of that Act.”, and
  - (d) for subsection (4) substitute—

“(4) In this section—

“controlling authority” means—

    - (a) in relation to a place in England and Wales, the licensing authority in whose area the place, or the greater or greatest part of it, is situated, and
    - (b) in relation to a place in Scotland, the authority having power to grant licences of the kind mentioned in section 1 in that area, and

“licensing authority” has the meaning given by the Licensing Act 2003.”

*Obscene Publications Act 1959 (c. 66)*

- 28 (1) Section 2 of the Obscene Publications Act 1959 (prohibition of publication of obscene matter) is amended as follows.
- (2) In subsections (3A) and (4A), for “a film exhibition” in each place it occurs, substitute “an exhibition of a film”.
  - (3) For subsection (7) substitute—

“(7) In this section, “exhibition of a film” has the meaning given in paragraph 15 of Schedule 1 to the Licensing Act 2003.”

*Betting, Gaming and Lotteries Act 1963 (c. 2)*

- 29 The Betting, Gaming and Lotteries Act 1963 is amended as follows.

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- 30 In section 10(1B) (conduct of licensed betting offices) for “the provision in a licensed betting office of any facility in respect of which a licence under the Licensing Act 1964 or the Licensing (Scotland) Act 1976 is required” substitute—
- “(a) in a licensed betting office in England and Wales, the supply of alcohol (within the meaning of section 14 of the Licensing Act 2003) in circumstances where that supply is a licensable activity (within the meaning of that Act);
  - (b) in a licensed betting office in Scotland, the provision of any facility in respect of which a licence is required under the Licensing (Scotland) Act 1976”.

- 31 In Schedule 4 (rules for licensed betting offices), in paragraph 10(a), for “intoxicating liquor within the meaning of section 201(1) of the Licensing Act 1964” substitute “alcohol within the meaning of section 191 of the Licensing Act 2003”.

*Children and Young Persons Act 1963 (c. 37)*

- 32 For section 37(2)(b) of the Children and Young Persons Act 1963 (restriction on performance by child in licensed premises) substitute—
- “(b) any performance in premises—
    - (i) which, by virtue of an authorisation (within the meaning of section 136 of the Licensing Act 2003), may be used for the supply of alcohol (within the meaning of section 14 of that Act), or
    - (ii) which are licensed premises (within the meaning of the Licensing (Scotland) Act 1976) or in respect of which a club is registered under that Act;”.

*Offices, Shops and Railway Premises Act 1963 (c. 41)*

- 33 In section 90 of the Offices, Shops and Railway Premises Act 1963 (interpretation), omit the definition of “place of public entertainment”.

*Greater London Council (General Powers) Act 1966 (c. xxviii)*

- 34 The Greater London Council (General Powers) Act 1966 is amended as follows.
- 35 In section 21(1) (licensing of public exhibitions, etc.)—
- (a) for “intoxicating liquor” substitute “alcohol (within the meaning of the Licensing Act 2003)”, and
  - (b) for “a film exhibition within the meaning of the Cinemas Act 1985” substitute “an exhibition of a film (within the meaning of paragraph 15 of Schedule 1 to the Licensing Act 2003)”.
- 36 In section 22 (application to old buildings of provisions for protection against fire in the London Building Acts (Amendment) Act 1939)—
- (a) in subsection (1), for the words from “being in either case” to “for that purpose” substitute “which may lawfully be used for the provision of regulated entertainment (within the meaning of the Licensing Act 2003) only by virtue of an authorisation under that Act”, and

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- (b) in subsection (2), for the words from “where” to “that licence” substitute “where a building, or part of a building, is being used for the provision of regulated entertainment by virtue of a premises licence (under the Licensing Act 2003) granted by a borough council, the Common Council, the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple”.

*Finance Act 1967 (c. 54)*

- 37 In section 5 of the Finance Act 1967 (no requirement for excise licence)—
- (a) in subsection (1), omit paragraph (c), and
- (b) in subsection (3), omit “which is registered within the meaning of the Licensing Act 1964 or”.

*Criminal Appeal Act 1968 (c. 19)*

- 38 The Criminal Appeal Act 1968 is amended as follows.
- 39 In section 10 (appeal against sentence to Crown Court), at the end of subsection (3) (c) add—
- “(viii) an order under section 129 of the Licensing Act 2003 (forfeiture or suspension of personal licence); or”.
- 40 In section 31 (powers of Court of Appeal under Part 1 exercisable by single judge), after subsection (2B) insert—
- “(2C) The power of the Court of Appeal, under section 130 of the Licensing Act 2003, to suspend an order under section 129 of that Act may be exercised by a single judge in the same manner as it may be exercised by the Court.”
- 41 In section 44 (powers of Court of Appeal under Part 2 exercisable by single judge), after subsection (2) insert—
- “(3) The power of the Court of Appeal, under section 130 of the Licensing Act 2003, to suspend an order under section 129 of that Act may be exercised by a single judge, but where the judge refuses an application to exercise that power the applicant shall be entitled to have the application determined by the Court of Appeal.”
- 42 In section 50 (meaning of “sentence”), at the end of subsection (1) insert “; and
- (i) an order under section 129(2) of the Licensing Act 2003 (forfeiture or suspension of personal licence).”

*Theatres Act 1968 (c. 54)*

- 43 The Theatres Act 1968 is amended as follows.
- 44 The following provisions cease to have effect in England and Wales—
- (a) section 1(2) (local authority may not impose conditions on nature of plays),
- (b) sections 12 to 14 (licensing of premises for public performance of plays),
- (c) Schedule 1 (provision about licences to perform plays).
- 45 In section 15 (warrant to enter theatre where offence suspected)—
- (a) in subsection (1)—
- (i) paragraph (b) and the word “or” immediately preceding it, and

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- (ii) the words “or, in a case falling within paragraph (b) above, any police officer or authorised officer of the licensing authority”, cease to have effect in England and Wales,
  - (b) subsections (2) to (5) cease to have effect in England and Wales, and
  - (c) subsection (6) is omitted.
- 46 Section 17 (existing letters patent) ceases to have effect.
- 47 In section 18(1) (interpretation), in the definition of “licensing authority”, omit paragraphs (a), (b) and (bb).

*Gaming Act 1968 (c. 65)*

- 48 The Gaming Act 1968 is amended as follows.
- 49 (1) Section 6 (playing games on premises used for sale of alcohol) is amended as follows.
- (2) For subsection (2) substitute—
- “(2) This section applies to any premises in England and Wales in respect of which there is in force a premises licence authorising the supply of alcohol for consumption on the premises.
- (2A) This section also applies to any premises in Scotland in respect of which a hotel licence or public house licence under the Licensing (Scotland) Act 1976 is in force.”
- (3) In subsection (3)—
- (a) for paragraph (a) substitute—
- “(a) of the holder of the licence which has effect in respect of any premises to which this section applies,” and
- (b) for “the licensing justices for the licensing district, or, in Scotland, the licensing board for the licensing area, in which the premises are situated” substitute “the relevant licensing authority, or, in Scotland, the licensing board for the licensing area in which the premises are situated,”.
- (4) In subsection (4)—
- (a) for “the licensing justices for the licensing district, or, in Scotland, the licensing board for the licensing area, in which the premises are situated” substitute “the relevant licensing authority, or, in Scotland, the licensing board for the licensing area in which the premises are situated,” and
- (b) for “the justices” substitute “the authority”.
- (5) In subsection (5), for “licensing justices or a licensing board, the justices or board” substitute “a licensing authority or a licensing board, the authority or board”.
- (6) In subsection (6) —
- (a) for “the licensing justices or” substitute “the relevant licensing authority or the”,
- (b) for paragraph (a) substitute—
- “(a) to the holder of the licence,” and

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(c) for “the police area” substitute “each police area”.

(7) After subsection (7) insert—

“(7A) A function conferred by this section on a licensing authority is, for the purposes of section 7 of the Licensing Act 2003 (exercise and delegation by licensing authority of licensing functions), to be treated as a licensing function within the meaning of that Act.”

(8) For subsection (8) substitute—

“(8) In this section—

“licensing area” has the same meaning as in the Licensing (Scotland) Act 1976,

“licensing authority” and “premises licence” have the same meaning as in the Licensing Act 2003,

“relevant licensing authority”, in relation to premises in respect of which a premises licence has effect, means the authority determined in relation to those premises in accordance with section 12 of that Act, and

“supply of alcohol” has the meaning given in section 14 of that Act.”

50 For section 7(2) (offence to allow child to take part in gaming on licensed premises) substitute—

“(2) Neither the holder of the licence which has effect in respect of premises to which section 6 applies, nor anybody employed by him, may knowingly allow a person under 18 to take part on those premises in gaming to which this Part applies.”

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51 For section 8(7) (penalty for contravention of section 7(2)) substitute—

“(7) Any person who contravenes section 7(2) is guilty of an offence and—

(a) where the offence is committed in England and Wales, the person is liable on summary conviction to a fine not exceeding level 5 on the standard scale, and

(b) where the offence is committed in Scotland, the provisions of Schedule 5 to the Licensing (Scotland) Act 1976 are to have effect as they have effect in relation to a contravention of section 68(1) of that Act.”

52 (1) Schedule 9 (permits in respect of amusement machine premises) is amended as follows.

(2) In paragraph 1 (interpretation), for paragraph (a) substitute—

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“(a) in relation to any premises in England and Wales in respect of which there is in force a premises licence authorising the supply of alcohol for consumption on the premises, means the relevant licensing authority in relation to those premises;”.

(3) After that paragraph, insert—

“1A A function conferred by this Schedule on a licensing authority is, for the purposes of section 7 of the Licensing Act 2003 (exercise and delegation by licensing authority of licensing functions), to be treated as a licensing function within the meaning of that Act.”

(4) In paragraph 10A (condition in case of licensed premises, etc. that amusement machine must be located in a bar), in sub-paragraph (2)(a), for “has the same meaning as in the Licensing Act 1964” substitute “means any place which, by virtue of a premises licence, may be used for the supply of alcohol and which is exclusively or mainly used for the supply and consumption of alcohol”.

(5) In paragraph 11—

- (a) in sub-paragraphs (2) and (3) (appeals), for “proper officer of” substitute “clerk to”, and
- (b) omit sub-paragraph (5).

(6) Omit paragraph 14 (payment of indemnity out of central funds).

(7) In paragraph 21 (fees), for “proper officer” substitute “clerk”.

(8) For paragraph 23 (interpretation of expressions relating to licensing) substitute—

“23 In this Schedule—

“alcohol”, “licensing authority” and “premises licence” have the same meaning as in the Licensing Act 2003;

“hotel licence” and “public house licence” have the same meaning as in Schedule 1 to the Licensing (Scotland) Act 1976;

“relevant licensing authority”, in relation to premises in respect of which a premises licence is in force, means the authority determined in relation to those premises in accordance with section 12 of the Licensing Act 2003; and

“supply of alcohol” is to be construed in accordance with section 14 of that Act.”

(9) Omit paragraph 24 (proper officer of an appropriate authority).

*City of London (Various Powers) Act 1968 (c. xxxvii)*

53 For section 5(3) of the City of London (Various Powers) Act 1968 (entitlement of Corporation of London to apply for and hold licence to sell alcohol in arrangements for catering facilities) substitute—

“(3) The Corporation of London or any person appointed by them in that behalf may, subject to section 16 of the Licensing Act 2003, for the purposes of this



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section apply for and hold a premises licence under that Act for the sale by retail of alcohol within the meaning of that Act.”

*Finance Act 1970 (c. 24)*

- 54 In section 6(2)(b) of the Finance Act 1970 (Angostura bitters)—
- (a) omit “, the Licensing Act 1964”, and
  - (b) for “either of those Acts” substitute “that Act”.

*Sunday Theatre Act 1972 (c. 26)*

- 55 The Sunday Theatre Act 1972 ceases to have effect.

*Local Government Act 1972 (c. 70)*

- 56 The Local Government Act 1972 is amended as follows.
- 57 In section 78(1)(supplementary provision relating to changes in local government areas), omit the definition of “public body”.
- 58 In section 101 (arrangements for discharge of functions by local authorities), after subsection (14) insert—
- “(15) Nothing in this section applies in relation to any function under the Licensing Act 2003 of a licensing authority (within the meaning of that Act).”
- 59 In section 145(4) (provision of entertainment), for “intoxicating liquor” substitute “alcohol”.
- 60 Section 204 (licensed premises) ceases to have effect.
- 61 (1) Schedule 12 (meetings and proceedings of local authorities) is amended as follows.
- (2) In the following provisions, for “premises licensed for the sale of intoxicating liquor” substitute “premises which at the time of such a meeting may, by virtue of a premises licence or temporary event notice under the Licensing Act 2003, be used for the supply of alcohol (within the meaning of section 14 of that Act)”—
    - (a) paragraph 10(1) (location of parish council meetings),
    - (b) paragraph 26(1) (location of community council meetings).
  - (3) In the following provisions, for “premises licensed for the sale of intoxicating liquor” substitute “premises which at the time of the meeting may, by virtue of a premises licence or temporary event notice under the Licensing Act 2003, be used for the supply of alcohol (within the meaning of section 14 of that Act)”—
    - (a) paragraph 14(5) (location of parish meetings),
    - (b) paragraph 32(2) (location of community meetings).

*Lotteries and Amusements Act 1976 (c. 32)*

- 62 Schedule 3 to the Lotteries and Amusements Act 1976 (provision about permits for commercial provision of amusements with prizes) is amended as follows.

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#### Commencement Information

**I7** Sch. 6 paras. 62-66 wholly in force at 24.11.2005, see s. 201 and S.I. 2005/3056, art. 2 (with transitional provisions in art. 3, Sch.)

- 63 (1) Paragraph 1 (interpretation) is amended as follows.
- (2) In sub-paragraph (1), for paragraph (a) substitute—
- “(a) in relation to any premises in England and Wales in respect of which there is in force a premises licence authorising the supply of alcohol for consumption on the premises, the relevant licensing authority in relation to those premises;”.
- (3) In sub-paragraph (2)—
- (a) for the definition of “justices' on-licence”, “licensing district” and “Part IV licence” substitute—
- ““alcohol”, “licensing authority” and “premises licence” have the same meaning as in the Licensing Act 2003;”,
- (b) omit the definition of “the proper officer of the authority”, and
- (c) at the appropriate place, insert—
- ““relevant licensing authority”, in relation to premises in respect of which a premises licence is in force, means the licensing authority in relation to those premises determined in accordance with section 12 of the Licensing Act 2003;”, and
- ““supply of alcohol” has the same meaning as in section 14 of the Licensing Act 2003;”.
- (4) After that sub-paragraph insert—
- “(3) A function conferred by this Schedule on a licensing authority is, for the purposes of section 7 of the Licensing Act 2003 (exercise and delegation by licensing authority of licensing functions), to be treated as a licensing function within the meaning of that Act.”

#### Commencement Information

**I8** Sch. 6 paras. 62-66 wholly in force at 24.11.2005, see s. 201 and S.I. 2005/3056, art. 2 (with transitional provisions in art. 3, Sch.)

- 64 In paragraph 8 (appeals)—
- (a) in sub-paragraphs (2) and (3), for “proper officer of” substitute “clerk to”, and
- (b) omit sub-paragraph (4).

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**Commencement Information**

- 19** Sch. 6 paras. 62-66 wholly in force at 24.11.2005, see s. 201 and S.I. 2005/3056, art. 2 (with transitional provisions in art. 3, Sch.)

65 Omit paragraph 11 (payment of indemnity from central funds).

**Commencement Information**

- 110** Sch. 6 paras. 62-66 wholly in force at 24.11.2005, see s. 201 and S.I. 2005/3056, art. 2 (with transitional provisions in art. 3, Sch.)

66 In paragraph 18 (fees), for “proper officer” substitute “clerk”.

**Commencement Information**

- 111** Sch. 6 paras. 62-66 wholly in force at 24.11.2005, see s. 201 and S.I. 2005/3056, art. 2 (with transitional provisions in art. 3, Sch.)

*Rent Act 1977 (c. 42)*

67 In section 11 of the Rent Act 1977 (tenancy of licensed premises not to be protected or statutory tenancy), for “premises licensed for the sale of intoxicating liquors” substitute “premises which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of section 14 of that Act)”.

*Greater London Council (General Powers) Act 1978 (c. xiii)*

68 The Greater London Council (General Powers) Act 1978 is amended as follows.

69 Section 3 (human posing to be treated as entertainment) ceases to have effect.

70 In section 5(4)(a) (definition of “booking office”)—

- (a) omit sub-paragraph (ii) and the word “or” immediately preceding it, and
- (b) for “sub-paragraphs (i) and (ii)” substitute “sub-paragraph (i)”.

*Alcoholic Liquor Duties Act 1979 (c. 4)*

71 The Alcoholic Liquor Duties Act 1979 is amended as follows.

72 In section 4 (interpretation)—

- (a) in the definition of “justices' licence” and “justices' on-licence”, omit paragraph (a), and
- (b) in the definition of “registered club”, omit “which is for the time being registered within the meaning of the Licensing Act 1964 or”.

73 In section 71 (exception to penalty for misdescribing alcohol as spirits)—

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(a) after subsection (4) insert—

“(4A) Nothing in this section as it applies to England and Wales shall apply to any alcohol (within the meaning of the Licensing Act 2003) which is prepared on any premises which may be lawfully used for the supply of alcohol (within the meaning of section 14 of that Act) for immediate consumption there.”

(b) in subsection (5)—

- (i) omit “England and Wales or”,
- (ii) omit paragraph (c), and
- (iii) for “, in that club or on board that aircraft, vessel or vehicle,” substitute “or in that club”.

*Licensed Premises (Exclusion of Certain Persons) Act 1980 (c. 32)*

74 In section 4(1) of the Licensed Premises (Exclusion of Certain Persons) Act 1980 (interpretation), in the definition of “licensed premises” for the words “a justices’ on-licence (within the meaning of section 1 of the Licensing Act 1964)” substitute “a premises licence under the Licensing Act 2003 authorising the supply of alcohol (within the meaning of section 14 of that Act) for consumption on the premises”.

*Magistrates’ Courts Act 1980 (c. 43)*

75 In Part 3 of Schedule 6 to the Magistrates’ Courts Act 1980 (matters to which provision relating to fees taken by clerks to justices does not apply), paragraphs 3 and 5 are omitted.

*Local Government, Planning and Land Act 1980 (c. 65)*

76 The Local Government, Planning and Land Act 1980 is amended as follows.

77 Sections 131 and 132 (licensing in new towns) cease to have effect.

78 In section 133 (miscellaneous provision about new towns), in subsection (1), omit the following definitions—

- (a) “development corporation”,
- (b) “the 1964 Act”.

79 In section 146 (disposal of land by urban development corporation)—

- (a) in subsection (3), for “intoxicating liquor” substitute “alcohol”, and
- (b) in subsection (6), for “ “intoxicating liquor” has the meaning assigned by section 201 of the Licensing Act 1964” substitute “ “alcohol” has the meaning given by section 191 of the Licensing Act 2003”.

*Indecent Displays (Control) Act 1981 (c. 42)*

80 In section 1(4) of the Indecent Displays (Control) Act 1981 (exemptions from offence of displaying indecent matter)—

- (a) for paragraph (d) substitute—
  - “(d) included in a performance of a play (within the meaning of paragraph 14(1) of Schedule 1 to the Licensing Act 2003)

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in England and Wales or of a play (within the meaning of the Theatres Act 1968) in Scotland<sup>1</sup>,” and

- (b) in paragraph (e) for “included in a film exhibition as defined in the Cinemas Act 1985” substitute “included in an exhibition of a film, within the meaning of paragraph 15 of Schedule 1 to the Licensing Act 2003, in England and Wales, or a film exhibition, as defined in the Cinemas Act 1985, in Scotland”.

*New Towns Act 1981 (c. 64)*

- 81 In section 18 of the New Towns Act 1981 (disposal by development corporation of land to occupiers of it before acquisition by corporation), in subsection (3) for the words “intoxicating liquor (“intoxicating liquor” having the meaning given in section 201(1) of the Licensing Act 1964)” substitute “alcohol (within the meaning of section 191 of the Licensing Act 2003)”.

*Local Government (Miscellaneous Provisions) Act 1982 (c. 30)*

- 82 The Local Government (Miscellaneous Provisions) Act 1982 is amended as follows.

- 83 The following provisions cease to have effect—

- (a) section 1 (licensing of public entertainment outside Greater London),  
(b) sections 4 to 6 (controls on take-away food shops),  
(c) Schedule 1 (licensing of public entertainment outside Greater London).

- 84 In section 10(11) (requirement that apparatus to be installed should be provided with cut-off switch disappplied in relation to cinemas) for the words “premises in respect of which a licence under section 1 of the Cinemas Act 1985 is for the time being in force” substitute “premises in respect of which a premises licence under the Licensing Act 2003 has effect authorising the use of the premises for an exhibition of a film, within the meaning of paragraph 15 of Schedule 1 to that Act”.

- 85 (1) Schedule 3 (control of sex establishments) is amended as follows.

- (2) In paragraph 3(2) (premises not to be treated as a sex cinema merely because the exhibition of a film there must be authorised by a licence, etc.)—

- (a) for paragraph (a) substitute—

“(a) if they may be used for an exhibition of a film (within the meaning of paragraph 15 of Schedule 1 to the Licensing Act 2003) by virtue of an authorisation (within the meaning of section 136 of that Act), of their use in accordance with that authorisation”, and

- (b) in paragraph (b), for “that Act” substitute “the Cinemas Act 1985”.

- (3) In paragraph 3A (exemption for theatres and cinemas from provisions about sex encounter establishments) for paragraphs (i) and (ii) of the proviso substitute—

“(i) for the time being, being used for the provision of regulated entertainment (within the meaning of the Licensing Act 2003), in circumstances where that use is authorised under that Act; or

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- (ii) for the time being, being used for the purposes of late night refreshment (within the meaning of that Act), in circumstances where that use is so authorised; or”.

*Representation of the People Act 1983 (c. 2)*

- 86 The Representation of the People Act 1983 is amended as follows.
- 87 In section 185 (interpretation of Part relating to legal proceedings), for the definition of “Licensing Acts” substitute—
- ““Licensing Acts” means the Licensing (Scotland) Act 1976 and the Licensing (Northern Ireland) Order 1996 (as that Act or Order may from time to time have effect);”.
- 88 In Schedule 7 (transitional and saving provision), omit paragraph 4.

*Video Recordings Act 1984 (c. 39)*

- 89 In section 3(7) of the Video Recordings Act 1984 (exempted supply of video recording)—
- (a) before paragraph (a) insert—
- “(za) premises in England and Wales which, by virtue of an authorisation within the meaning of section 136 of the Licensing Act 2003, may be used for the exhibition of a film within the meaning of paragraph 15 of Schedule 1 to that Act,”; and
- (b) in paragraphs (a) and (c) after “premises”, and in paragraph (b) after the first “premises”, insert “in Scotland”.

*Building Act 1984 (c. 55)*

- 90 The Building Act 1984 is amended as follows.
- 91 In section 24(4) (provision of exits in buildings) for paragraph (c) substitute—
- “(c) premises in respect of which a club premises certificate has effect under the Licensing Act 2003,”.
- 92 In section 74(2) (exemption for certain premises from requirement for local authority’s consent for cellars and rooms below subsoil water level), omit paragraph (a) and the word “or” immediately following it.

*Police and Criminal Evidence Act 1984 (c. 60)*

- 93 In Schedule 1A to the Police and Criminal Evidence Act 1984 (arrestable offences) at the end there is inserted—

**“Licensing Act 2003**

- 26 An offence under section 143(1) of the Licensing Act 2003 (failure to leave licensed premises, etc.).”

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*Greater London Council (General Powers) Act 1984 (c. xxvii)*

94 In section 15(1) of the Greater London Council (General Powers) Act 1984 (exceptions to power of Council to refuse to register sleeping accommodation), at the end insert “; or

(v) a building—

- (a) in respect of which there is in force immediately before the appointed day a premises licence under the Licensing Act 2003 authorising the supply of alcohol (within the meaning of section 14 of that Act) for consumption on the premises, and
- (b) the use of which for a specified purpose would not contravene the Town and Country Planning Act 1990.”

*Cinemas Act 1985 (c. 13)*

95 The Cinemas Act 1985 ceases to have effect in England and Wales.

*Sporting Events (Control of Alcohol etc.) Act 1985 (c. 57)*

96 The Sporting Events (Control of Alcohol etc.) Act 1985 is amended as follows.

97 In the following provisions, for “intoxicating liquor” substitute “alcohol”—

- (a) section 1(2) and (3) (alcohol on coaches and trains),
- (b) section 1A(2) and (3) (alcohol on certain other vehicles),
- (c) section 2(1) (alcohol at sports grounds).

PROSPECTIVE

98 Omit section 2(1A) (application to private rooms of offence of having alcohol at designated sporting event).

99 The following provisions cease to have effect—

- (a) sections 3 and 4 (order about licensing hours in sports grounds),
- (b) section 5 (appeal against such an order),
- (c) section 5A (restricted periods in relation to possession of alcohol in private rooms at sports grounds),
- (d) section 5B (occasional licences at sports grounds),
- (e) section 5C (supply of alcohol by clubs at sports grounds),
- (f) section 5D (non-retail sales of alcohol during sporting event),
- (g) section 6 (closure of bar during sporting event),
- (h) the Schedule (procedure for obtaining order about licensing hours in sports grounds).

**Commencement Information**

**I12** Sch. 6 para. 99(a)(b)(d)-(h) in force at 24.11.2005 by [S.I. 2005/3056](#), [art. 2\(2\)](#)

100 In section 8 (offences)—

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- (a) in paragraph (b), for “, 2A(1), 3(10), 5B(2), 5C(3), 5D(2) or 6(2)” substitute “or 2A(1)”, and
  - (b) omit paragraphs (d) and (e).
- 101 In section 9 (interpretation)—
- (a) omit subsection (5), and
  - (b) for subsection (7) substitute—

“(7) An expression used in this Act and in the Licensing Act 2003 has the same meaning in this Act as in that Act.”

*Housing Act 1985 (c. 68)*

102 The Housing Act 1985 is amended as follows.

103 In section 11 (provision of board facilities by local housing authority)—

- (a) for subsection (3) substitute—

“(3) Where a premises licence under Part 3 of the Licensing Act 2003 authorises the sale by retail of alcohol in connection with the provision of facilities of the kind mentioned in subsection (1) (a), then, notwithstanding the terms of that licence, it does not have effect so as to authorise the sale by retail of alcohol for consumption otherwise than with a meal.”,

- (b) in subsection (4) after “the sale of intoxicating liquor” insert “or the sale by retail of alcohol”, and
- (c) after that subsection insert—

“(5) An expression used in this section and in the Licensing Act 2003 has the same meaning in this section as in that Act.”

104 In Schedule 1 (tenancies which are not secure tenancies), in paragraph 9, for “premises licensed for the sale of intoxicating liquor” substitute “premises which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of section 14 of that Act)”.

*Sex Discrimination Act 1986 (c. 59)*

105 Section 5 of the Sex Discrimination Act 1986 (discrimination required by public entertainment licence) ceases to have effect.

*Fire Safety and Safety of Places of Sport Act 1987 (c. 27)*

106 After section 33(2) of the Fire Safety and Safety of Places of Sport Act 1987 (requirements of safety certificate to take precedence over conflicting conditions imposed in licence, etc.) insert—

“(2A) For the purposes of subsection (2)—

- (a) “the licensing of premises” includes the granting of a premises licence or club premises certificate under the Licensing Act 2003, and
- (b) “licence” is to be construed accordingly.”



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*Norfolk and Suffolk Broads Act 1988 (c. 4)*

- 107 In paragraph 40(1) of Schedule 3 to the Norfolk and Suffolk Broads Act 1988 (provision of facilities by Broads Authority), in paragraph (b) for “intoxicating liquor” substitute “alcohol (within the meaning of the Licensing Act 2003)”.

*Housing Act 1988 (c. 50)*

- 108 In Schedule 1 to the Housing Act 1988 (tenancies which cannot be assured tenancies), in paragraph 5, for “premises licensed for the sale of intoxicating liquors” substitute “premises which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of section 14 of that Act)”.

*Town and Country Planning Act 1990 (c. 8)*

- 109 Section 334 of the Town and Country Planning Act 1990 (licensing planning areas) ceases to have effect.

*Sunday Trading Act 1994 (c. 20)*

- 110 (1) Schedule 1 to the Sunday Trading Act 1994 (restrictions on Sunday opening of large shops) is amended as follows.
- (2) In paragraph 1—
- (a) for the definition of “intoxicating liquor” substitute—
- ““alcohol” has the same meaning as in the Licensing Act 2003,” and
- (b) in paragraph (a) of the definition of “sale of goods”, for “intoxicating liquor” substitute “alcohol”.
- (3) In paragraph 3(1)(b) for “intoxicating liquor” substitute “alcohol”.

*Criminal Justice and Public Order Act 1994 (c. 33)*

- 111 In section 63 of the Criminal Justice and Public Order Act 1994 (power to remove persons attending raves, etc.), for subsection (9)(a) substitute—
- “(a) in England and Wales, to a gathering in relation to a licensable activity within section 1(1)(c) of the Licensing Act 2003 (provision of certain forms of entertainment) carried on under and in accordance with an authorisation within the meaning of section 136 of that Act;”.

*Deregulation and Contracting Out Act 1994 (c. 40)*

- 112 Section 21 of the Deregulation and Contracting Out Act 1994 (Sunday Observance Act 1780 not to apply to sporting events) ceases to have effect.

*London Local Authorities Act 1995 (c. x)*

- 113 In section 14 of the London Local Authorities Act 1995 (interpretation of Part relating to near beer premises), in the definition of “near beer premises”—
- (a) for “intoxicating liquor is provided exemption or saving from the provisions of the Act of 1964 by virtue of section 199 of that Act” substitute

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- “alcohol is not a licensable activity under or by virtue of section 173 of the Licensing Act 2003”,
- (b) for paragraph (A) substitute—
- “(A) a premises licence under Part 3 of that Act which authorises the supply of alcohol (within the meaning of section 14 of that Act) for consumption on the premises;”,
- (c) in paragraph (B)—
- (i) omit “Schedule 12 to the London Government Act 1963,” and “or the Private Places of Entertainment (Licensing) Act 1967”, and
- (ii) at the end insert “or a premises licence granted under Part 3 of the Licensing Act 2003 which authorises the provision of any form of regulated entertainment (within the meaning of Schedule 1 to that Act)”,
- (d) omit paragraphs (C) to (E),
- (e) for paragraphs (F) and (G) substitute—
- “(F) a temporary event notice under the Licensing Act 2003, by virtue of which the premises may be used for the supply of alcohol (within the meaning of section 14 of that Act);”,
- (f) for the words from “during the hours” to “licence:” substitute “during the hours permitted by such licence or notice;”, and
- (g) for “such licence; and” substitute “such licence or notice; and”.

*Employment Rights Act 1996 (c. 18)*

- 114 In section 232(7) of the Employment Rights Act 1996 (definition of “catering business”)—
- (a) in paragraph (a) for “intoxicating liquor” substitute “alcohol”, and
- (b) for “ “intoxicating liquor” has the same meaning as in the Licensing Act 1964” substitute “ “alcohol” has the same meaning as in the Licensing Act 2003 ”.

*Confiscation of Alcohol (Young Persons) Act 1997 (c. 33)*

- 115 (1) Section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 (confiscation of alcohol) is amended as follows.
- (2) In subsection (1)—
- (a) for “intoxicating liquor”, in each place it occurs, substitute “alcohol”,
- (b) in paragraph (b) for “liquor” substitute “alcohol”, and
- (c) for “such liquor” substitute “alcohol”.
- (3) For subsection (7) substitute—
- “(7) In this section—
- “alcohol”—
- (a) in relation to England and Wales, has the same meaning as in the Licensing Act 2003;

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- (b) in relation to Northern Ireland, has the same meaning as “intoxicating liquor” in the Licensing (Northern Ireland) Order 1996; and

“licensed premises”—

- (a) in relation to England and Wales, means premises which may by virtue of Part 3 or Part 5 of the Licensing Act 2003 (premises licence; permitted temporary activity) be used for the supply of alcohol within the meaning of section 14 of that Act;
- (b) in relation to Northern Ireland, has the same meaning as in the Licensing (Northern Ireland) Order 1996.”

*Police Act 1997 (c. 50)*

- 116 In section 115(5) of the Police Act 1997 (enhanced criminal record certificates), after paragraph (d) insert—
- “(da) a personal licence under the Licensing Act 2003;”.

*London Local Authorities Act 2000 (c. vii)*

- 117 In section 32 of the London Local Authorities Act 2000 (interpretation of provisions about the licensing of buskers), in the definition of “busking”, for paragraph (b) substitute—
- “(b) under and in accordance with a premises licence under Part 3 of the Licensing Act 2003, or a temporary event notice having effect under Part 5 of that Act, which authorises the provision of regulated entertainment (within paragraph 2(1)(e) to (h) or 3(2) of Schedule 1 to that Act (music and dancing));”.

*Private Security Industry Act 2001 (c. 12)*

- 118 (1) Paragraph 8 of Schedule 2 to the Private Security Industry Act 2001 (door supervisors etc. for licensed premises) is amended as follows.
- (2) In sub-paragraph (2), for paragraphs (a) to (d) substitute—
- “(a) any premises in respect of which a premises licence or temporary event notice has effect under the Licensing Act 2003 to authorise the supply of alcohol (within the meaning of section 14 of that Act) for consumption on the premises;
  - (b) any premises in respect of which a premises licence or temporary event notice has effect under that Act to authorise the provision of regulated entertainment;”.
- (3) For sub-paragraph (3) substitute—
- “(3) For the purposes of this paragraph, premises are not licensed premises—
    - (a) if there is in force in respect of the premises a premises licence which authorises regulated entertainment within paragraph 2(1)(a) or (b) of Schedule 1 to the Licensing Act 2003 (plays and films);
    - (b) in relation to any occasion on which the premises are being used—

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- (i) exclusively for the purposes of a club which holds a club premises certificate in respect of the premises, or
- (ii) for regulated entertainment of the kind mentioned in paragraph (a), in circumstances where that use is a permitted temporary activity by virtue of Part 5 of that Act;
- (c) in relation to any occasion on which a licence is in force in respect of the premises under the Gaming Act 1968 (c. 65) and the premises are being used wholly or mainly for the purposes of gaming to which Part 2 of that Act applies; or
- (d) in relation to any such other occasion as may be prescribed for the purposes of this sub-paragraph.”

(4) After sub-paragraph (5) insert—

“(6) Sub-paragraphs (2)(a) and (b) and (3)(a) and (b) are to be construed in accordance with the Licensing Act 2003.”

*Criminal Justice and Police Act 2001 (c. 16)*

119 The Criminal Justice and Police Act 2001 is amended as follows.

120 In section 1(1) (offences leading to penalties on the spot), at the end of the Table insert—

|   |  |
|---|--|
| “Section 149(4) of the Licensing Act 2003 | Buying or attempting to buy alcohol for consumption on licensed premises, etc. by child” |
|---|--|

121 In section 12 (alcohol consumption in designated public place)—

- (a) in subsections (1) and (2), for “intoxicating liquor”, in each place it occurs, substitute “ alcohol ”, and
- (b) in subsection (2) for “such liquor” substitute “ alcohol ”.

122 In section 13 (designated public places), in subsection (2) for “intoxicating liquor” substitute “ alcohol ”.

123 (1) Section 14 (places which are not designated public places) is amended as follows.

(2) In subsection (1)—

(a) for paragraphs (a) to (d) substitute—

- “(a) premises in respect of which a premises licence or club premises certificate, within the meaning of the Licensing Act 2003, has effect;
- (b) a place within the curtilage of premises within paragraph (a);
- (c) premises which by virtue of Part 5 of the Licensing Act 2003 may for the time being be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the last 20 minutes;”, and

(b) in paragraph (e), for “intoxicating liquor” substitute “ alcohol ”.

(3) Omit subsection (2).

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- 124 In section 15(1)(a) (byelaw prohibiting consumption of alcohol), for “intoxicating liquor” substitute “alcohol”.
- 125 In section 16(1) (interpretation of sections 12 to 15)—
- (a) before the definition of “designated public place” insert—
- ““alcohol” has the same meaning as in the Licensing Act 2003;”,
- (b) omit the definition of “intoxicating liquor”, and the word “and” immediately following it, and
- (c) after the definition of “public place” insert “; and
- “supply of alcohol” has the meaning given by section 14 of the Licensing Act 2003”.
- 126 In each of the following provisions, for “unlicensed sale of intoxicating liquor” substitute “unauthorised sale of alcohol”
- (a) section 19(1) and (2) (service of closure notice by constable or local authority),
- (b) section 20(3)(a) (no application for closure order where unauthorised sale of alcohol has ceased),
- (c) section 21(1)(b) and (2)(b) (closure order),
- (d) section 27(6) (fixing notice on premises where personal service cannot be effected).
- 127 In section 28 (interpretation of provisions relating to closure of unlicensed premises)—
- (a) before the definition of “closure notice” insert—
- ““alcohol” has the same meaning as in the Licensing Act 2003;”,
- (b) omit the definition of “intoxicating liquor”, and
- (c) for the definition of “unlicensed sale” substitute—
- ““unauthorised sale”, in relation to any alcohol, means any supply of the alcohol (within the meaning of section 14 of the Licensing Act 2003) which—
- (a) is a licensable activity within the meaning of that Act, but
- (b) is made otherwise than under and in accordance with an authorisation (within the meaning of section 136 of that Act).”
- 128 In Schedule 1 (powers of seizure)—
- (a) at the end of Part 1 insert—
- “Licensing Act 2003**
- 74 The power of seizure conferred by section 90 of the Licensing Act 2003 (seizure of documents relating to club).”, and
- (b) at the end of Part 3 insert—
- “Licensing Act 2003**
- 110 The power of seizure conferred by section 90 of the Licensing Act 2003 (seizure of documents relating to club).”

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## SCHEDULE 7

Section 199

## REPEALS

**Commencement Information**

**I13** Sch. 7 in force for certain purposes at 17.7.2003 by S.I. 2003/1911, art. 2; Sch. 7 in force for certain further purposes at 10.9.2003 by S.I. 2003/2100, art. 2; Sch. 7 in force for certain further purposes at 24.11.2005 by S.I. 2005/3056, art. 2 (with art. 4)

| <i>Short title and chapter</i>                       | <i>Extent of repeal</i>   |
|--|---|
| Universities (Wine Licences) Act 1743 (c. 40)        | The whole Act.  |
| Sunday Observance Act 1780 (21 Geo. 3 c. 49)         | The whole Act.  |
| Metropolitan Police Act 1839 (c. 47)                 | Section 41.   |
| Town Police Clauses Act 1847 (c. 89)                 | Section 35.   |
| Cambridge Award Act 1856 (c. xvii)                   | Sections 9 and 11.  |
| Inebriates Act 1898 (c. 60)                          | In the First Schedule—<br>the entry relating to section 18 of the Licensing Act 1872, and<br>the entry relating to section 41 of the Refreshment Houses Act 1860. |
| Sunday Entertainments Act 1932 (c. 51)               | The whole Act.  |
| Children and Young Persons Act 1933 (c. 12)          | In section 12(3), the words from “, and also” to the end.<br>In section 107, the definition of “intoxicating liquor”.   |
| Public Health Act 1936 (c. 49)                       | Section 226(4).   |
| Common Informers Act 1951 (c. 39)                    | In the Schedule—<br>the entry relating to section 11 of the Universities (Wine Licences) Act 1743, and<br>the entry relating to the Sunday Observance Act 1780.   |
| Hypnotism Act 1952 (c. 46)                           | Section 1(2).   |
| London Government Act 1963 (c. 33)                   | Section 52(3).<br>Schedule 12.  |
| Offices, Shops and Railway Premises Act 1963 (c. 41) | In section 90, the definition of “place of public entertainment”.   |
| Licensing Act 1964 (c. 26)                           | The whole Act.  |
| Administration of Justice Act 1964 (c. 42)           | In Schedule 3, paragraph 31.  |
| Refreshment Houses Act 1964 (c. 88)                  | The whole Act.  |

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|  |   |
|--|---|
| Private Places of Entertainment (Licensing) Act 1967 (c. 19) | The whole Act.  |
| Licensing (Amendment) Act 1967 (c. 51)                       | The whole Act.  |
| Finance Act 1967 (c. 54)                                     | In section 5—<br>in subsection (1), the words “; and accordingly as from that date—” and paragraphs (c) and (e), and<br>in subsection (3), the words “which is registered within the meaning of the Licensing Act 1964 or”.   |
| Theatres Act 1968 (c. 54)                                    | Section 45(4).<br>Schedule 7.<br><br>Section 15(6).<br>Section 17.<br>In section 18(1), in the definition of “licensing authority”, paragraphs (a), (b) and (bb).<br>In Schedule 2—<br>the entries relating to the Licensing Act 1964, and<br>the entry relating to the Private Places of Entertainment (Licensing) Act 1967.     |
| Gaming Act 1968 (c. 65)                                      | In Schedule 9—<br>paragraph 11(5),<br>paragraph 14, and<br>paragraph 24.<br>In Schedule 11, in Part 3, the entries relating to the Licensing Act 1964.  |
| Greater London Council (General Powers) Act 1968 (c. xxxix)  | Sections 47 to 55.  |
| Late Night Refreshment Houses Act 1969 (c. 53)               | The whole Act.  |
| Finance Act 1970 (c. 24)                                     | In section 6(2)(b), the words “, the Licensing Act 1964”.   |
| Courts Act 1971 (c. 23)                                      | In Schedule 6, paragraphs 7 and 13.<br>In Schedule 8, paragraph 42.<br>In Schedule 9, in Part 1, the entries relating to—<br>the London Government Act 1963,<br>the Licensing Act 1964,<br>the Private Places of Entertainment (Licensing) Act 1967,<br>the Theatres Act 1968, and<br>the Late Night Refreshment Houses Act 1969. |
| Sunday Theatre Act 1972 (c. 26)                              | The whole Act.  |
| Local Government Act 1972 (c. 70)                            | In section 78(1), the definition of “public body”.  |

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|   |   |
|---|---|
|   | Section 204.<br>In Schedule 25, paragraphs 1 to 9.  |
| Local Government Act 1974 (c. 7)                            | In Schedule 6, paragraph 24.  |
| Licensing (Amendment) Act 1976 (c. 18 )                     | The whole Act.  |
| Lotteries and Amusements Act 1976 (c. 32)                   | In Schedule 3—<br>in paragraph 1(2), the definition of “the proper officer of the authority”, and paragraphs 8(4) and 11.   |
| Licensing (Scotland) Act 1976 (c. 66)                       | In Schedule 7, paragraphs 9(a), (b), (d) and (f), 10, 11 and 12.  |
| Greater London Council (General Powers) Act 1976 (c. xxvi)  | Sections 5 to 8.  |
| Licensing (Amendment) Act 1977 (c. 26)                      | The whole Act.  |
| Greater London Council (General Powers) Act 1978 (c. xiii)  | Sections 3 and 4.<br>Section 5(4)(a)(ii) and the word “or” immediately preceding it.  |
| Customs and Excise Management Act 1979 (c. 2)               | In Schedule 4, in paragraph 12, in the Table, the entry relating to the Licensing Act 1964.   |
| Alcoholic Liquor Duties Act 1979 (c. 4)                     | In section 4—<br>in the definition of “justices' licence” and “justices' on-licence”, paragraph (a), and<br>in the definition of “registered club”, the words “which is for the time being registered within the meaning of the Licensing Act 1964 or”.<br>In section 71(5)—<br>the words “England and Wales or”, and paragraph (c).<br>In Schedule 3, paragraph 5. |
| Greater London Council (General Powers) Act 1979 (c. xxiii) | Section 3.  |
| Licensing (Amendment) Act 1980 (c. 40)                      | The whole Act.  |
| Magistrates' Courts Act 1980 (c. 43)                        | In Schedule 6, in Part 3, paragraphs 3 and 5.<br>In Schedule 7, paragraphs 45 to 48 and 50.   |
| Local Government, Planning and Land Act 1980 (c. 65)        | Sections 131 and 132.<br>In section 133(1), the definitions of “development corporation” and “the 1964 Act”.  |
| Highways Act 1980 (c. 66)                                   | In Schedule 24, paragraph 12.   |
| Finance Act 1981 (c. 35)                                    | In Schedule 8, paragraphs 24 and 25.  |
| Licensing (Amendment) Act 1981 (c. 40)                      | The whole Act.  |
| Supreme Court Act 1981 (c. 54)                              | In section 28(2)(b), the words “the Licensing Act 1964,”.   |



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| New Towns Act 1981 (c. 64)                                   | In Schedule 2, paragraph 2.<br>In Schedule 12, paragraphs 1 and 29(a)(i).  |
| Local Government (Miscellaneous Provisions) Act 1982 (c. 30) | Section 1.<br>Sections 4 to 7.<br>Schedule 1.<br>In Schedule 2, paragraphs 1 to 6.   |
| Greater London Council (General Powers) Act 1982 (c. i)      | Section 7.   |
| Representation of the People Act 1983 (c. 2)                 | In Schedule 7, paragraph 4.<br>In Schedule 8, paragraphs 7 to 10.  |
| Licensing (Occasional Permissions) Act 1983 (c. 24)          | The whole Act.   |
| Building Act 1984 (c. 55)                                    | In section 74(2), paragraph (a) and the word “or” immediately following it.  |
| Greater London Council (General Powers) Act 1984 (c.xxvii)   | Section 4(1) and (3).<br>Sections 19 to 22.  |
| Cinemas Act 1985 (c. 13)                                     | Section 3(1A).<br>Section 9.<br>Sections 17 and 18.<br>In section 19(3), paragraph (a) and the word “or” immediately following it.<br>In Schedule 2, paragraphs 2, 3, 6, 7, 8, 14, 15 and 16(a) and the word “and” immediately following it. |
| Licensing (Amendment) Act 1985 (c. 40)                       | The whole Act.   |
| Local Government Act 1985 (c. 51)                            | In Schedule 8—<br>paragraph 1(1),<br>in paragraph 1(3), the words following paragraph (c), and<br>paragraphs 2 to 5.   |
| Sporting Events (Control of Alcohol etc.) Act 1985 (c. 57)   | Section 2(1A).<br>Sections 3 to 6.<br>Section 8(d) and (e).<br>Section 9(5).<br>The Schedule.  |
| Insolvency Act 1985 (c. 65)                                  | In Schedule 8, paragraph 12.   |
| Insolvency Act 1986 (c. 45)                                  | In Schedule 14, the entries relating to the Licensing Act 1964.  |
| Sex Discrimination Act 1986 (c. 59)                          | Section 5.   |
| Public Order Act 1986 (c. 64)                                | In Schedule 1, paragraphs 4, 5, 7(5) and 8.  |
| Greater London Council (General Powers) Act 1986 (c. iv)     | Section 3.   |
| Fire Safety and Safety of Places of Sport Act 1987 (c. 27)   | Sections 42, 43, 45 and 46.<br>Schedule 3.<br>In Schedule 5—   |

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|  | in paragraph 1, the definition of “the 1963 Act” and the definition of “the 1982 Act” and the word “and” immediately preceding it, and paragraphs 8 to 10. |
| Licensing Act 1988 (c. 17)   | The whole Act.   |
| Licensing (Retail Sales) Act 1988 (c. 25)                              | The whole Act.   |
| Licensing (Amendment) Act 1989 (c. 20)                                 | The whole Act.   |
| Employment Act 1989 (c. 38)  | In Schedule 6, paragraph 30.   |
| Town and Country Planning Act 1990 (c. 8)                              | Section 334.   |
| Entertainments (Increased Penalties) Act 1990 (c. 20)                  | Section 1.   |
| Licensing (Low Alcohol Drinks) Act 1990 (c. 21)                        | Section 1.   |
| Broadcasting Act 1990 (c. 42)  | In Schedule 20, paragraphs 7 and 8.  |
| London Local Authorities Act 1990 (c. vii)                             | Sections 4 to 17, 19 and 20.   |
| London Local Authorities (No. 2) Act 1990 (c. xxx)                     | Section 6.   |
| Finance Act 1991 (c. 31)   | In Schedule 2, in paragraph 1, the words “, the Licensing Act 1964”.   |
| London Local Authorities Act 1991 (c. xiii)                            | Sections 18 to 21.   |
| Sporting Events (Control of Alcohol etc.) (Amendment) Act 1992 (c. 57) | The whole Act.   |
| Charities Act 1993 (c. 10)   | In Schedule 6, paragraph 27.   |
| Local Government (Wales) Act 1994 (c. 19)                              | In Schedule 2, paragraph 2.<br>In Schedule 15, paragraph 41.<br>In Schedule 16, paragraphs 22, 29, 32, 36, 69 and 73.                                      |
| Coal Industry Act 1994 (c. 21)   | In Schedule 9, paragraph 8.  |
| Criminal Justice and Public Order Act 1994 (c. 33)                     | In section 63—<br>in subsection (10), the definitions of “entertainment licence” and “local authority”, and<br>subsection (11).                            |
| Deregulation and Contracting Out Act 1994 (c. 40)                      | Section 18(1).<br>Section 19.<br>Section 21.<br>Schedule 7.<br>In Schedule 11, paragraph 1.  |
| London Local Authorities Act 1994 (c. xii)                             | Section 5.   |
| Licensing (Sunday Hours) Act 1995 (c. 33)                              | The whole Act.   |
| London Local Authorities Act 1995 (c. x)                               | In section 14—   |

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|   | in paragraph (B), the words “Schedule 12 to the London Government Act 1963,” and “or the Private Places of Entertainment (Licensing) Act 1967”, and paragraphs (C) to (E).  |
|   | Section 28.<br>Sections 45 and 46.  |
| London Local Authorities Act 1996 (c. ix)                     | Sections 20 to 23.  |
| Justices of the Peace Act 1997 (c. 25)                        | In Schedule 4, in paragraph 17(3), the words “, other than any duties as secretary to a licensing planning committee under Part VII of the Licensing Act 1964”.   |
| Confiscation of Alcohol (Young Persons) Act 1997 (c. 33)      | In section 1(1), the words “(other than a sealed container)”.   |
| Public Entertainments Licences (Drug Misuse) Act 1997 (c. 49) | The whole Act.  |
| Access to Justice Act 1999 (c. 22)                            | In Schedule 10, paragraphs 23 to 29 and 31.<br>In Schedule 11, paragraph 17.<br>In Schedule 13, paragraphs 36 to 56, 61, 62, 87, 124 and 132.   |
| Greater London Authority Act 1999 (c. 29)                     | In Schedule 29, paragraphs 6, 67, 70 and 71.  |
| Licensing (Young Persons) Act 2000 (c. 30)                    | The whole Act.  |
| Freedom of Information Act 2000 (c. 36)                       | In Schedule 1, paragraph 17.  |
| London Local Authorities Act 2000 (c. vii)                    | Sections 22 to 26.<br>Schedule 1.   |
| Criminal Justice and Police Act 2001 (c. 16)                  | In section 1(1), in the Table, the entry relating to section 169C(3) of the Licensing Act 1964.<br>In section 12(2)(b), the words “(other than a sealed container)”.<br>Section 14(2).<br>In section 16(1), the definition of “intoxicating liquor” and the word “and” immediately following it.<br>Sections 17 and 18.<br>In section 28, the definition of “intoxicating liquor”.<br>Sections 30 to 32.<br>In Schedule 1, paragraphs 7 and 90. |

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## SCHEDULE 8

Section 200

## TRANSITIONAL PROVISION ETC.

## PART 1

## PREMISES LICENCES

*Introductory*

## 1 (1) In this Part—

“canteen licence” has the same meaning as in section 148 of the 1964 Act (licences for seamen’s canteens);

“children’s certificate” has the same meaning as in section 168A of that Act;

“existing licence” means—

- (a) a justices' licence,
- (b) a canteen licence,
- (c) a licence under Schedule 12 to the London Government Act 1963 (c. 33) (licensing of public entertainment in Greater London),
- (d) a licence under the Private Places of Entertainment (Licensing) Act 1967 (c. 19),
- (e) a licence under the Theatres Act 1968 (c. 54),
- (f) a licence under the Late Night Refreshment Houses Act 1969 (c. 53),
- (g) a licence under Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982 (c. 30) (licensing of public entertainments outside Greater London),
- (h) a licence under section 1 of the Cinemas Act 1985 (c. 13), or
- (i) a licence under Part 2 of the London Local Authorities Act 1990 (c. vii) (night cafe licensing);

“existing licensable activities”, under an existing licence, are—

- (a) the licensable activities authorised by the licence, and
- (b) any other licensable activities which may be carried on, at the premises in respect of which the licence has effect, by virtue of the existence of the licence (see sub-paragraph (2));

“first appointed day” means such day as may be specified as the first appointed day for the purposes of this Part;

“new licence” has the meaning given in paragraph 5(1);

“relevant existing licence”, in relation to an application under paragraph 2, means an existing licence to which the application relates;

“relevant licensing authority” has the same meaning as in Part 3 of this Act (premises licences);

“second appointed day” means such day as may be specified as the second appointed day for the purposes of this Part; and

“supply of alcohol” means—

- (a) sale by retail of alcohol, or
- (b) supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

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- (2) In determining, for the purposes of paragraph (b) of the definition of “existing licensable activities”, the other licensable activities which may be carried on by virtue of a licence—
  - (a) section 182 of the 1964 Act (relaxation of law relating to music and dancing licences) is to be disregarded so far as it relates to public entertainment by way of music and singing provided by not more than two performers, and
  - (b) in the case of an existing licence granted under the Theatres Act 1968 (c. 54), the reference in that paragraph to the licence is to be read as including a reference to any notice in force under section 199(c) of the 1964 Act (notice of intention to sell alcohol by retail at licensed theatre premises) in relation to that licence.
- (3) In the application of section 12 (relevant licensing authority in Part 3 of this Act) for the purposes of this Part, the reference in subsection (4)(a) of that section to an applicant for a premises licence is to be read as a reference to an applicant under paragraph 2 for the grant of a licence under paragraph 4.

#### Commencement Information

**I14** Sch. 8 para. 1(1) in force for certain purposes at 16.12.2003 by S.I. 2003/3222, art. 2; Sch. 8 para. 1 otherwise in force at 7.2.2005 by S.I.2004/2360, art. 2, Sch.

#### *Application for conversion of existing licence*

- 2 (1) This paragraph applies where, in respect of any premises, one or more existing licences have effect on the first appointed day.
- (2) A person may, within the period of six months beginning with the first appointed day, apply to the relevant licensing authority for the grant of a licence under paragraph 4 to succeed one or more of those existing licences.
- (3) But an application may be made under this paragraph in respect of an existing licence only if—
  - (a) it is held by the applicant, or
  - (b) the holder of the licence consents to the application being made.
- (4) An application under this paragraph must specify—
  - (a) the existing licensable activities under the relevant existing licence or, if there is more than one, the relevant existing licences,
  - (b) if any relevant existing licence authorises the supply of alcohol, specified information about the person whom the applicant wishes to be the premises supervisor under the licence granted under paragraph 4, and
  - (c) such other information as may be specified.
- (5) The application must also be in the specified form and accompanied by—
  - (a) the relevant documents, and
  - (b) the specified fee.
- (6) The relevant documents are—
  - (a) the relevant existing licence or, if there is more than one, each of them (or a certified copy of the licence or licences in question),

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- (b) a plan in the specified form of the premises to which the relevant existing licence or licences relate,
  - (c) if any relevant existing licence authorises the supply of alcohol, any children's certificate in force in respect of the premises (or a certified copy of any such certificate),
  - (d) a form of consent in the specified form, given by the individual (if any) named in the application in accordance with sub-paragraph (4)(b),
  - (e) a form of consent in the specified form, given by any person who is required to consent to the application under sub-paragraph (3), and
  - (f) such other documents as may be specified.
- (7) In this paragraph any reference to a certified copy of a document is a reference to a copy of that document certified to be a true copy—
- (a) in the case of a justices' licence, children's certificate or canteen licence, by the chief executive of the licensing justices for the licensing district in which the premises are situated,
  - (b) in any other case, by the chief executive of the local authority which issued the licence,
  - (c) by a solicitor or notary, or
  - (d) by a person of a specified description.
- (8) A document which purports to be a certified copy of an existing licence or children's certificate is to be taken to be such a copy unless the contrary is shown.

#### **Commencement Information**

**I15** Sch. 8 para. 2(4)(b)(c)(6)(b)(d)-(f)(7)(d) in force at 16.12.2003 by S.I. 2003/3222, art. 2, Sch.; Sch. 8 para. 2 in force otherwise at 7.2.2005 by S.I. 2004/2360, art. 2, Sch.

#### *Police consultation*

- 3 (1) Where a person makes an application under paragraph 2, he must give a copy of the application (and any documents which accompanied it) to the chief officer of police for the police area (or each police area) in which the premises are situated no later than 48 hours after the application is made.
- (2) Where—
- (a) an appeal is pending against a decision to revoke, or to reject an application for the renewal of, the relevant existing licence or, if there is more than one such licence, a relevant existing licence, and
  - (b) a chief officer of police who has received a copy of the application under sub-paragraph (1) is satisfied that converting that existing licence in accordance with this Part would undermine the crime prevention objective,
- he must give the relevant licensing authority and the applicant a notice to that effect.
- (3) Where a chief officer of police who has received a copy of an application under sub-paragraph (1) is satisfied that, because of a material change in circumstances since the relevant time, converting the relevant existing licence or, if there is more than one such licence, a relevant existing licence in accordance with this Part would undermine the crime prevention objective, he must give the relevant licensing authority and the applicant a notice to that effect.

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- (4) For this purpose “relevant time” means the time when the relevant existing licence was granted or, if it has been renewed, the last time it was renewed.
- (5) The chief officer of police may not give a notice under sub-paragraph (2) or (3) after the end of the period of 28 days beginning with the day on which he received a copy of the application under sub-paragraph (1).

#### *Determination of application*

- 4 (1) This paragraph applies where an application is made in accordance with paragraph 2 and the applicant complies with paragraph 3(1).
- (2) Subject to sub-paragraphs (3) and (5), the relevant licensing authority must grant the application.
- (3) Where a notice is given under paragraph 3(2) or (3) in respect of an existing licence (and not withdrawn), the authority must—
  - (a) hold a hearing to consider it, unless the authority, the applicant and the chief officer of police who gave the notice agree that a hearing is unnecessary, and
  - (b) having regard to the notice—
    - (i) in a case where the application relates only to that licence, reject the application, and
    - (ii) in any other case, reject the application to the extent that it relates to that licence,if it considers it necessary for the promotion of the crime prevention objective to do so.
- (4) If the relevant licensing authority fails to determine the application within the period of two months beginning with the day on which it received it, then, subject to sub-paragraph (5), the application is to be treated as granted by the authority under this paragraph.
- (5) An application must not be granted (and is not to be treated as granted under sub-paragraph (4))—
  - (a) if the relevant existing licence has or, if there is more than one, all the relevant existing licences have ceased to be held by the applicant before the relevant time, or
  - (b) where there is more than one relevant existing licence (but paragraph (a) does not apply), to the extent that the application relates to an existing licence which has ceased to be held by the applicant before the relevant time.
- (6) For the purposes of sub-paragraph (5)—
  - (a) where, for the purposes of paragraph 2(3)(b) a person has consented to an application being made in respect of a relevant existing licence, sub-paragraph (5)(a) and (b) applies in relation to that licence as if the reference to the applicant were a reference to—
    - (i) that person, or
    - (ii) any other person to whom the existing licence has been transferred and who has given his consent for the purposes of this paragraph, and

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(b) “the relevant time” is the time of the determination of the application or, in a case within sub-paragraph (4), the end of the period mentioned in that sub-paragraph.

(7) Section 10 applies as if the relevant licensing authority’s functions under sub-paragraph (3) were included in the list of functions in subsection (4) of that section (functions which cannot be delegated to an officer of the licensing authority).

*Notification of determination and issue of new licence*

- 5 (1) Where an application is granted (in whole or in part) under paragraph 4, the relevant licensing authority must forthwith—
- (a) give the applicant a notice to that effect, and
  - (b) issue the applicant with—
    - (i) a licence in respect of the premises (a “new licence”) in accordance with paragraph 6, and
    - (ii) a summary of the new licence.
- (2) Where an application is rejected (in whole or in part) under paragraph 4, the relevant licensing authority must forthwith give the applicant a notice to that effect stating the authority’s reasons for its decision to reject the application.
- (3) The relevant licensing authority must give a copy of any notice it gives under sub-paragraph (1) or (2) to the chief officer of police for the police area (or each police area) in which the premises to which the notice relates are situated.

*The new licence*

- 6 (1) This paragraph applies where a new licence is granted under paragraph 4 in respect of one or more existing licences.
- (2) Where an application under paragraph 2 is granted in part only, any relevant existing licence in respect of which the application was rejected is to be disregarded for the purposes of the following provisions of this paragraph.
- (3) The new licence is to be treated as if it were a premises licence (see section 11), and sections 19, 20 and 21 (mandatory conditions for premises licences) apply in relation to it accordingly.
- (4) The new licence takes effect on the second appointed day.
- (5) The new licence must authorise the premises in question to be used for the existing licensable activities under the relevant existing licence or, if there is more than one relevant existing licence, the relevant existing licences.
- (6) Subject to sections 19, 20 and 21 and the remaining provisions of this paragraph, the new licence must be granted subject to such conditions as reproduce the effect of—
- (a) the conditions subject to which the relevant existing licence has effect at the time the application is granted, or
  - (b) if there is more than one relevant existing licence, all the conditions subject to which those licences have effect at that time.
- (7) Where the new licence authorises the supply of alcohol, the new licence must designate the person named in the application under paragraph 2(4)(b) as the premises supervisor.



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- (8) The new licence must also be granted subject to conditions which reproduce the effect of any restriction imposed on the use of the premises for the existing licensable activities under the relevant existing licence or licences by any enactment specified for the purposes of this Part.
- (9) In determining those restrictions, the relevant licensing authority must have regard to any children's certificate which accompanied (or a certified copy of which accompanied) the application and which remains in force.
- (10) Nothing in sub-paragraph (6) or (8) requires the new licence to be granted for a limited period.
- (11) But, where the application under paragraph 2 includes a request for the new licence to have effect for a limited period, the new licence is to be granted subject to that condition.

#### Commencement Information

**116** Sch. 8 para. 6(8) in force at 16.12.2003 by S.I. 2003/3222, art. 2, Sch.; Sch. 8 para. 6(1)-(7)(9)-(11) in force at 7.2.2005 by S.I. 2004/2360, art. 2, Sch.

#### *Variation of new licence*

- 7 (1) A person who makes an application under paragraph 2 may (notwithstanding that no licence has yet been granted in consequence of that application) at the same time apply—
  - (a) under section 37 for any licence so granted to be varied so as to specify the individual named in the application as the premises supervisor, or
  - (b) under section 34 for any other variation of any such licence,and for the purposes of an application within paragraph (a) or (b) the applicant is to be treated as the holder of that licence.
- (2) In relation to an application within sub-paragraph (1)(a) or (b), the relevant licensing authority may discharge its functions under section 35 or 39 only if, and when, the application under paragraph 2 has been granted.
- (3) Where an application within sub-paragraph (1)(a) or (b) is not determined by the relevant licensing authority within the period of two months beginning with the day the application was received by the authority, it is to be treated as having been rejected by the authority under section 35 or 39 (as the case may be) at the end of that period.

#### *Existing licence revoked after grant of new licence*

- 8 (1) This paragraph applies where the relevant licensing authority grants a new licence under this Part in respect of one or more existing licences.
- (2) If sub-paragraph (4) applies to the existing licence (or each of the existing licences) which the new licence succeeds, the new licence lapses.
- (3) If—
  - (a) where the new licence relates to more than one relevant existing licence, sub-paragraph (4) applies to one or more, but not all, of those licences, or

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- (b) sub-paragraph (4) applies to a children’s certificate in respect of the premises,  
the licensing authority must amend the new licence so as to remove from it any provision which would not have been included in it but for the existence of any existing licence or certificate to which sub-paragraph (4) applies.
- (4) This sub-paragraph applies to an existing licence or children’s certificate if—
- (a) it is revoked before the second appointed day, or
  - (b) where an appeal against a decision to revoke it is pending immediately before that day, the appeal is dismissed or abandoned.
- (5) Any amendment under sub-paragraph (3) takes effect when it is notified to the holder of the new licence by the relevant licensing authority.
- (6) The relevant licensing authority must give a copy of any notice under sub-paragraph (5) to the chief officer of police for the police area (or each police area) in which the premises to which the new licence relates are situated.

#### *Appeals*

- 9 (1) Where an application under paragraph 2 is rejected (in whole or in part) by the relevant licensing authority, the applicant may appeal against that decision.
- (2) Where a licensing authority grants such an application (in whole or in part), any chief officer of police who gave a notice in relation to it under paragraph 3(2) or (3) (that was not withdrawn) may appeal against that decision.
- (3) Where a licence is amended under paragraph 8, the holder of the licence may appeal against that decision.
- (4) Section 181 and paragraph 9(1) and (2) of Schedule 5 (general provision about appeals against decisions under Part 3 of this Act) apply in relation to appeals under this paragraph as they apply in relation to appeals under Part 1 of that Schedule.
- (5) Paragraph 9(3) of that Schedule applies in relation to an appeal under sub-paragraph (2).

#### *False statements*

- 10 (1) A person commits an offence if he knowingly or recklessly makes a false statement in or in connection with an application under paragraph 2.
- (2) For the purposes of sub-paragraph (1) a person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

#### *Opening hours*

- 11 (1) This paragraph applies where—
- (a) within such period (of not less than six months) as may be specified, the holder of a justices’ licence for any premises applies, in accordance with Part

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- 3 of this Act, for the grant of a premises licence in respect of those premises, and
- (b) the licence, if granted in the form applied for, would authorise the sale by retail of alcohol.
- (2) In determining the application for the premises licence under section 18, the relevant licensing authority may not, by virtue of subsection (3)(b) of that section, grant the licence subject to conditions which prevent the sale of alcohol on the premises during the permitted hours.
- (3) But sub-paragraph (2) does not apply where—
- (a) there has been a material change in circumstances since the relevant time, and
- (b) the relevant representations made in respect of the application include representations made by the chief officer of police for the police area (or any police area) in which the premises are situated advocating that, for the purposes of promoting the crime prevention objective, the premises licence ought to authorise the sale of alcohol during more restricted hours than the permitted hours.
- (4) In this paragraph—
- “permitted hours” means the permitted hours during which the holder of the justices' licence is permitted to sell alcohol on the premises under Part 3 of the 1964 Act;
- “relevant representations” has the meaning given in section 18(6); and
- “relevant time” means the time when the justices' licence was granted or, if it has been renewed, the last time it was renewed.

#### **Commencement Information**

**I17** Sch. 8 para. 11(1)(a) in force at 16.12.2003 by S.I. 2003/3222, art. 2, Sch.; Sch. 8 para. 11(1)(b)(2)-(4) in force at 7.2.2005 by S.I. 2004/2360, art. 2, Sch.

#### *Provisional licences*

- 12 (1) Where—
- (a) during such period as may be specified the relevant licensing authority receives an application in accordance with Part 3 of this Act for the grant of a premises licence in respect of any premises (“the relevant premises”),
- (b) under section 6 of the 1964 Act, a provisional grant of a justices' licence has been made for—
- (i) the relevant premises or a part of them, or
- (ii) premises that are substantially the same as the relevant premises or a part of them, and
- (c) the conditions of sub-paragraph (2) are satisfied,
- the licensing authority must have regard to the provisional grant of the justices' licence when determining the application for the grant of the premises licence.
- (2) The conditions are—
- (a) that the provisional grant of the justices' licence has not been declared final, and

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- (b) that the premises to which the provisional grant relates have been completed in a manner which substantially complies with the plans deposited under the 1964 Act or, as the case may be, with those plans with modifications consented to under section 6(3) of that Act.

#### Commencement Information

**I18** Sch. 8 para. 12(1)(a) in force at 16.12.2003 by S.I. 2003/3222, art. 2, Sch.; Sch. 8 para. 12(1)(b)(c)(2) in force at 7.2.2005 by S.I. 2004/2360, art. 2, Sch.

## PART 2

### CLUB PREMISES CERTIFICATES

#### *Introductory*

- 13 (1) In this Part—

“existing club certificate” means a certificate held by a club under Part 2 of the 1964 Act for any premises;

“existing qualifying club activities” means the qualifying club activities authorised by the relevant existing club certificate in respect of those premises;

“first appointed day” means such day as may be specified as the first appointed day for the purposes of this Part;

“relevant existing club certificate”, in relation to an application under paragraph 14, means the existing club certificate to which the application relates;

“relevant licensing authority” has the same meaning as in Part 4 of this Act (club premises certificates); and

“second appointed day” means such day as may be specified as the second appointed day for the purposes of this Part.

- (2) In the application of section 68 (relevant licensing authority in Part 4 of this Act) for the purposes of this Part, the reference in subsection (4) of that section to an applicant for a club premises certificate is to be read as a reference to an applicant under paragraph 14 for the grant of a certificate under paragraph 16.

#### Commencement Information

**I19** Sch. 8 para. 13(1) in force for certain purposes at 16.12.2003 by S.I. 2003/3222, art. 2, Sch.; Sch. 8 para. 13 otherwise in force at 7.2.2005 by S.I. 2004/2360, art. 2, Sch.

#### *Application for conversion of existing club certificate*

- 14 (1) This paragraph applies where, in respect of any premises, a club holds an existing club certificate on the first appointed day.
- (2) The club may, within the period of six months beginning with the first appointed day, apply to the relevant licensing authority for the grant of a certificate under paragraph 16 to succeed the existing club certificate so far as it relates to those premises.

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- (3) An application under this Part must specify the existing qualifying club activities and such other information as may be specified.
- (4) The application must also be in the specified form and accompanied by—
  - (a) the relevant documents, and
  - (b) the specified fee.
- (5) The relevant documents are—
  - (a) the relevant existing club certificate (or a certified copy of it),
  - (b) a plan in the specified form of the premises to which that certificate relates, and
  - (c) such other documents as may be specified.
- (6) In this paragraph any reference to a certified copy of a document is a reference to a copy of that document certified to be a true copy—
  - (a) by the chief executive of the licensing justices for the licensing district in which the premises are situated,
  - (b) by a solicitor or notary, or
  - (c) by a person of a specified description.
- (7) A document which purports to be a certified copy of an existing club certificate is to be taken to be such a copy unless the contrary is shown.

#### **Commencement Information**

**I20** Sch. 8 para. 14(3)-(5)(6)(c) in force at 16.12.2003 by S.I. 2003/3222, art. 2, Sch.; Sch. 8 para. 14(1)(2)(6)(a)(b)(7) in force at 7.2.2005 by S.I. 2004/2360, art. 2, Sch.

#### *Police consultation*

- 15 (1) Where a person makes an application under paragraph 14, he must give a copy of the application (and any documents which accompany it) to the chief officer of police for the police area (or each police area) in which the premises are situated no later than 48 hours after the application is made.
- (2) Where—
  - (a) an appeal is pending against a decision to revoke, or to reject an application for the renewal of, the relevant existing club certificate, and
  - (b) a chief officer of police who has received a copy of the application under sub-paragraph (1) is satisfied that converting that existing club certificate in accordance with this Part would undermine the crime prevention objective, he must give the relevant licensing authority and the applicant a notice to that effect.
- (3) Where a chief officer of police who has received a copy of the application under sub-paragraph (1) is satisfied that, because of a material change in circumstances since the relevant time, converting the relevant existing club certificate in accordance with this Part would undermine the crime prevention objective, he must give the relevant licensing authority and the applicant a notice to that effect.
- (4) For this purpose “the relevant time” means the time when the relevant existing club certificate was granted or, if it has been renewed, the last time it was renewed.

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- (5) The chief officer of police may not give a notice under sub-paragraph (2) or (3) after the end of the period of 28 days beginning with the day on which he received a copy of the application under sub-paragraph (1).

*Determination of application*

- 16 (1) This paragraph applies where an application is made in accordance with paragraph 14 and the applicant complies with paragraph 15(1).
- (2) Subject to sub-paragraphs (3) and (5), the licensing authority must grant the application.
- (3) Where a notice is given under paragraph 15(2) or (3) (and not withdrawn), the authority must—
- (a) hold a hearing to consider it, unless the authority, the applicant and the chief officer of police who gave the notice agree that a hearing is unnecessary, and
  - (b) having regard to the notice, reject the application if it considers it necessary for the promotion of the crime prevention objective to do so.
- (4) If the relevant licensing authority fails to determine the application within the period of two months beginning with the day on which it received it, then, subject to sub-paragraph (5), the application is to be treated as granted by the authority under this paragraph.
- (5) An application must not be granted (and is not to be treated as granted under sub-paragraph (4)) if the existing club certificate has ceased to have effect at—
- (a) the time of the determination of the application, or
  - (b) in a case within sub-paragraph (4), the end of the period mentioned in that sub-paragraph.
- (6) Section 10 applies as if the relevant licensing authority's functions under sub-paragraph (3) were included in the list of functions in subsection (4) of that section (functions which cannot be delegated to an officer of the licensing authority).

*Notification of determination and issue of new certificate*

- 17 (1) Where an application is granted under paragraph 16, the relevant licensing authority must forthwith—
- (a) give the applicant a notice to that effect, and
  - (b) issue the applicant with—
    - (i) a certificate in respect of the premises (“the new certificate”) in accordance with paragraph 18, and
    - (ii) a summary of the new certificate.
- (2) Where an application is rejected under paragraph 16, the relevant licensing authority must forthwith give the applicant a notice to that effect containing a statement of the authority's reasons for its decision to reject the application.
- (3) The relevant licensing authority must give a copy of any notice it gives under sub-paragraph (1) or (2) to the chief officer of police for the police area (or each police area) in which the premises to which the notice relates are situated.

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#### *The new certificate*

- 18 (1) The new certificate is to be treated as if it were a club premises certificate (see section 60), and sections 73, 74 and 75 apply in relation to it accordingly.
- (2) The new certificate takes effect on the second appointed day.
- (3) The new certificate must authorise the premises to be used for the existing qualifying club activities.
- (4) Subject to sections 73, 74 and 75, the new certificate must be granted subject to such conditions as reproduce the effect of the conditions subject to which the relevant existing club certificate has effect at the time the application is granted.
- (5) The new certificate must also be granted subject to conditions which reproduce the effect of any restriction imposed on the use of the premises for the existing qualifying club activities by any enactment specified for the purposes of this Part.
- (6) Nothing in sub-paragraph (4) or (5) requires the new certificate to be granted for a limited period.

#### **Commencement Information**

- I21** Sch. 8 para. 18(5) in force at 16.12.2003 by S.I. 2003/3222, art. 2, Sch.; Sch. 8 para. 18(1)-(4)(6) in force at 7.2.2005 by S.I. 2004/2360, art. 2, Sch.

#### *Variation of new certificate*

- 19 (1) A person who makes an application under paragraph 14 may (notwithstanding that no certificate has yet been granted in consequence of that application) at the same time apply under section 84 for a variation of the certificate, and, for the purposes of such an application, the applicant is to be treated as the holder of that certificate.
- (2) In relation to an application within sub-paragraph (1), the relevant licensing authority may discharge its functions under section 85 only if, and when, the application under this Part has been granted.
- (3) Where an application within sub-paragraph (1) is not determined by the relevant licensing authority within the period of two months beginning with the day the application was received by the authority, it is to be treated as having been rejected by the authority under section 85 at the end of that period.

#### *Existing club certificate revoked after grant of new certificate*

- 20 Where the relevant licensing authority grants a new certificate under this Part, that certificate lapses if and when—
- (a) the existing club certificate is revoked before the second appointed day, or
- (b) where an appeal against a decision to revoke it is pending immediately before that day, the appeal is dismissed or abandoned.

#### *Appeals*

- 21 (1) Where an application under paragraph 14 is rejected by the relevant licensing authority, the applicant may appeal against that decision.

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- (2) Where a licensing authority grants such an application, any chief officer of police who gave a notice under paragraph 15(2) or (3) (that was not withdrawn) may appeal against that decision.
- (3) Section 181 and paragraph 15(1) and (2) of Schedule 5 (general provision about appeals against decisions under Part 4 of this Act) apply in relation to appeals under this paragraph as they apply in relation to appeals under Part 2 of that Schedule.
- (4) Paragraph 15(3) of that Schedule applies in relation to an appeal under sub-paragraph (2).

#### *False statements*

- 22 (1) A person commits an offence if he knowingly or recklessly makes a false statement in or in connection with an application under paragraph 14.
- (2) For the purposes of sub-paragraph (1) a person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### PART 3

#### PERSONAL LICENCES

##### *Introductory*

- 23 (1) Paragraphs 24 to 27 apply where—
  - (a) during the transitional period, the holder of a justices' licence applies to the relevant licensing authority for the grant of a personal licence under section 117,
  - (b) the application is accompanied by the documents mentioned in sub-paragraph (3), and
  - (c) the applicant gives a copy of the application to the chief officer of police for the relevant licensing authority's area within 48 hours from the time the application is made.
- (2) In this paragraph "transitional period" means such period (of not less than six months) as may be specified for the purposes of this Part.
- (3) The documents are—
  - (a) the justices' licence (or a certified copy of that licence),
  - (b) a photograph of the applicant in the specified form which is endorsed, by a person of a specified description, with a statement verifying the likeness of the photograph to the applicant, and
  - (c) where the applicant has been convicted of any relevant offence or foreign offence on or after the relevant date, a statement giving details of the offence.
- (4) In this paragraph any reference to a certified copy of a justices' licence is to a copy of that licence certified to be a true copy—



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- (a) by the [<sup>F17</sup>designated officer for] the licensing justices for the licensing district concerned,
  - (b) by a solicitor or notary, or
  - (c) by a person of a specified description.
- (5) A document which purports to be a certified copy of a justices' licence is to be taken to be such a copy, unless the contrary is shown.

#### Textual Amendments

**F17** Words in Sch. 8 para. 23(4)(a) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, Sch. para. 94

#### Commencement Information

**I22** Sch. 8 para. 23(2)(3)(b)(4)(c) in force at 16.12.2003 by S.I. 2003/3222, art. 2, Sch.; Sch. 8 para. 23 otherwise in force at 7.2.2005 by S.I. 2004/2360, art. 2, Sch.

#### *Section 120 disapplied*

- 24 Section 120 (determination of application for grant) does not apply in relation to the application.

#### *Police objections*

- 25 (1) Sub-paragraph (2) applies where—
- (a) the applicant has been convicted of any relevant offences or foreign offences on or after the relevant date, and
  - (b) having regard to—
    - (i) any conviction of the applicant for a relevant offence, and
    - (ii) any conviction of his for a foreign offence which the chief officer of police considers to be comparable to a relevant offence,whether occurring before or after the relevant date, the chief officer of police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective.
- (2) The chief officer of police must give a notice stating the reasons why he is so satisfied (an “objection notice”)—
- (a) to the relevant licensing authority, and
  - (b) to the applicant.
- (3) The objection notice must be given no later than 28 days after the day on which the chief officer of police receives a copy of the application in accordance with paragraph 23(1)(c).
- (4) For the purposes of this paragraph—
- (a) “relevant offence” and “foreign offence” have the meaning given in section 113, and
  - (b) section 114 (spent convictions) applies for the purposes of this paragraph as it applies for the purposes of section 120.

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### *Determination of application*

- 26 (1) The relevant licensing authority must grant the application if—
- (a) it is satisfied that the applicant holds a justices' licence, and
  - (b) no objection notice has been given within the period mentioned in paragraph 25(3) or any notice so given has been withdrawn.
- (2) Where the authority is not satisfied that the applicant holds a justices' licence, it must reject the application.
- (3) Where the authority is so satisfied, but sub-paragraph (1)(b) does not apply, it—
- (a) must hold a hearing to consider the objection notice, and
  - (b) having regard to the notice, must—
    - (i) reject the application if it considers it necessary for the promotion of the crime prevention objective to do so, and
    - (ii) grant the application in any other case.
- (4) If the authority fails to determine the application within the period of three months beginning with the day on which it receives it, then, the application is to be treated as granted by the authority under this paragraph.
- (5) Section 10 applies as if the relevant licensing authority's functions under sub-paragraph (3) were included in the list of functions in subsection (4) of that section (functions which cannot be delegated to an officer of the licensing authority).
- (6) In the application of section 122 (notification of determinations) to a determination under this paragraph, the references to an objection notice are to be read as references to an objection notice within the meaning of paragraph 25(2).

### *Appeals*

- 27 (1) Where a licensing authority rejects an application under paragraph 26, the applicant may appeal against that decision.
- (2) Where a licensing authority grants an application for a personal licence under paragraph 26(3), the chief officer of police who gave the objection notice may appeal against that decision.
- (3) Section 181 and paragraph 17(6) and (7) of Schedule 5 (general provision about appeals relating to personal licences) apply in relation to appeals under this paragraph as they apply in relation to appeals under paragraph 17 of that Schedule.
- (4) Paragraph 17(8) of that Schedule applies in relation to an appeal under sub-paragraph (2) above.

### *Interpretation of Part 3*

- 28 For the purposes of this Part—
- “relevant date”, in relation to the holder of a justices' licence, means—
- (a) the date when the licence was granted, or
  - (b) where it has been renewed, the last date when it was renewed, or
  - (c) where it has been transferred to the holder and has not been renewed since the transfer, the date when it was transferred; and

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“relevant licensing authority”, in relation to an application for a personal licence under section 117, means the authority to which the application is made in accordance with that section.

## PART 4

### MISCELLANEOUS AND GENERAL

#### *Consultation on licensing policy*

29 Until such time as section 59 of the 1964 Act (prohibition of sale, etc. of alcohol except during permitted hours and in accordance with justices' licence etc.) ceases to have effect in accordance with this Act, section 5(3) of this Act (licensing authority's duty to consult before determining licensing policy) has effect as if for paragraphs (c) to (e) there were substituted—

- “(c) such persons as the licensing authority considers to be representative of holders of existing licences (within the meaning of Part 1 of Schedule 8) in respect of premises situated in the authority's area,
- (d) such persons as the licensing authority considers to be representative of clubs registered (within the meaning of the Licensing Act 1964 (c. 26)) in respect of any premises situated in the authority's area.”.

#### *Meaning of “methylated spirits” (transitory provision)*

30 Until such time as an order is made under subsection (6) of section 5 of the Finance Act 1995 (c. 4) (denatured alcohol) bringing that section into force, section 191 of this Act (meaning of “alcohol”) has effect as if—

- (a) for subsection (1)(f) there were substituted—
  - “(f) methylated spirits,” and
- (b) in subsection (2), the definition of “denatured alcohol” were omitted and at the appropriate place there were inserted—

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

#### *Savings*

31 Notwithstanding the repeal by this Act of Schedule 12 to the London Government Act 1963 (c. 33) (licensing of public entertainment in Greater London), or of any enactment amending that Schedule, that Schedule shall continue to apply in relation to—

- (a) licences granted under section 21 of the Greater London Council (General Powers) Act 1966 (c. xxviii) (licensing of public exhibitions in London), and
- (b) licences granted under section 5 of the Greater London Council (General Powers) Act 1978 (c. xiii) (licensing of entertainments booking offices in London),

as it applied before that repeal.

32 (1) In Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (c. 30) (control of sex establishments), paragraph (ii) of the proviso to paragraph 3A (as

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substituted by paragraph 85(3) of Schedule 6 to this Act) does not apply in relation to a borough of a participating council (within the meaning of section 2 of the London Local Authorities Act 1990 (c. vii)) which has appointed a day under section 3 of that Act for the coming into force of section 18 of that Act (repeal of paragraph (ii) of the proviso to paragraph 3A of Schedule 3 to that Act).

- (2) On or after the coming into force of paragraph 85(3) of Schedule 6 to this Act, the reference in section 18 of that Act to paragraph (ii) of the proviso to paragraph 3A of Schedule 3 to that Act is to be read as a reference to that paragraph as substituted by paragraph 85(3) of Schedule 6 to this Act.

33 Notwithstanding that by virtue of this Act the Cinemas Act 1985 (c. 13) ceases to have effect in England and Wales, section 6 of that Act (other than subsection (3)), and sections 5, 20 and 21 of that Act so far as relating to that section, shall continue to have effect there for the purposes of—

- (a) paragraph 3(2)(b) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (definition of “sex cinema”), and
- (b) section 3(6)(b) of the Video Recordings Act 1984 (c. 39) (exempted supplies).

#### *Interpretation*

34 In this Schedule—

- “justices' licence” means a justices' licence under Part 1 of the 1964 Act;
- “specified” means specified by order; and
- “the 1964 Act” means the Licensing Act 1964 (c. 26).

**Status:**

Point in time view as at 05/12/2005.

**Changes to legislation:**

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