

Status: Point in time view as at 29/01/2010.

Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Schedule 4. (See end of Document for details)

SCHEDULES

SCHEDULE 4

Section 32

MANDATORY LICENSING CONDITIONS RELATING TO ALCOHOL

PART 1

PREMISES LICENCES

Types of mandatory conditions

1 After section 19(3) of the Licensing Act 2003 (c. 17) (mandatory conditions where licence authorises supply of alcohol) insert—

“(4) The other conditions are any conditions specified in an order under section 19A and applicable to the premises licence.”

Commencement Information

II Sch. 4 para. 1 in force at 29.1.2010 by S.I. 2010/125, art. 2(r)

Power of Secretary of State to impose section 19(4) mandatory conditions

2 After section 19 of that Act insert—

“19A Power of Secretary of State to impose section 19(4) mandatory conditions

- (1) The Secretary of State may by order specify conditions relating to the supply of alcohol and applicable to all relevant premises licences or relevant premises licences of a particular description if the Secretary of State considers it appropriate to do so for the promotion of the licensing objectives.
- (2) The number of conditions in force by virtue of subsection (1) in relation to all relevant premises licences and the number of conditions in force by virtue of that subsection in relation to relevant premises licences of particular descriptions must not (when added together) exceed at any time nine.
- (3) An order under subsection (1) may—
 - (a) relate to existing or future relevant premises licences,
 - (b) specify conditions which involve, or consist of, the exercise of a discretion by any person.
- (4) Any conditions specified by an order under subsection (1) in relation to existing relevant premises licences are to be treated as—

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- (a) included in those licences from the coming into force of the order, and
 - (b) overriding any conditions already included in those licences (“the existing conditions”) so far as they are—
 - (i) identical to the existing conditions, or
 - (ii) inconsistent with, and more onerous than, the existing conditions.
- (5) Any conditions included, or treated as included, in relevant premises licences by virtue of section 19(4) and this section cease to have effect so far as they cease to be specified under this section in relation to those licences.
- (6) Any conditions treated as mentioned in subsection (4)(b) cease to be so treated so far as they cease to be specified under this section in relation to the relevant premises licences concerned.
- (7) So far as conditions cease to be treated as mentioned in subsection (4)(b), the existing conditions revive.
- (8) Subsections (5) to (7) are subject to any alternative transitional or saving provision made by the order revoking the specification.
- (9) In this section—
- “existing relevant premises licence”, in relation to an order, means a relevant premises licence granted before the coming into force of the order and in effect, or capable of having effect, on its coming into force,
 - “future relevant premises licence”, in relation to an order, means a relevant premises licence granted on or after the coming into force of the order,
 - “relevant premises licence” means a premises licence authorising the supply of alcohol.”

Commencement Information

I2 Sch. 4 para. 2 in force at 29.1.2010 by S.I. 2010/125, art. 2(r)

PART 2

CLUB PREMISES CERTIFICATES

Mandatory conditions relating to the supply of alcohol to members or guests

- 3 After section 73 of the Licensing Act 2003 (c. 17) (certificate authorising supply of alcohol for consumption off the premises) insert—

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“73A Mandatory conditions relating to the supply of alcohol to members or guests

Where a club premises certificate authorises the supply of alcohol to members or guests, the certificate must include any conditions specified in an order under section 73B and applicable to the certificate.”

Commencement Information

I3 Sch. 4 para. 3 in force at 29.1.2010 by S.I. 2010/125, art. 2(r)

Power of Secretary of State to impose section 73A mandatory conditions

4 After section 73A of that Act (as inserted by paragraph 3 above) insert—

“73B Power of Secretary of State to impose section 73A mandatory conditions

- (1) The Secretary of State may by order specify conditions relating to the supply of alcohol to members or guests and applicable to all relevant club premises certificates or relevant club premises certificates of a particular description if the Secretary of State considers it appropriate to do so for the promotion of the licensing objectives.
- (2) The number of conditions in force by virtue of subsection (1) in relation to all relevant club premises certificates and the number of conditions in force by virtue of that subsection in relation to relevant club premises certificates of particular descriptions must not (when added together) exceed at any time nine.
- (3) An order under subsection (1) may—
 - (a) relate to existing or future relevant club premises certificates,
 - (b) specify conditions which involve, or consist of, the exercise of a discretion by any person.
- (4) Any conditions specified by an order under subsection (1) in relation to existing relevant club premises certificates are to be treated as—
 - (a) included in those certificates from the coming into force of the order, and
 - (b) overriding any conditions already included in those certificates (“the existing conditions”) so far as they are—
 - (i) identical to the existing conditions, or
 - (ii) inconsistent with, and more onerous than, the existing conditions.
- (5) Any conditions included, or treated as included, in relevant club premises certificates by virtue of section 73A and this section cease to have effect so far as they cease to be specified under this section in relation to those certificates.
- (6) Any conditions treated as mentioned in subsection (4)(b) cease to be so treated so far as they cease to be specified under this section in relation to the relevant club premises certificates concerned.

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- (7) So far as conditions cease to be treated as mentioned in subsection (4)(b), the existing conditions revive.
- (8) Subsections (5) to (7) are subject to any alternative transitional or saving provision made by the order revoking the specification.
- (9) In this section—
- “existing relevant club premises certificate”, in relation to an order, means a relevant club premises certificate granted before the coming into force of the order and in effect, or capable of having effect, on its coming into force,
- “future relevant club premises certificate”, in relation to an order, means a relevant club premises certificate granted on or after the coming into force of the order,
- “relevant club premises certificate” means a club premises certificate authorising the supply of alcohol to members or guests.”

Commencement Information

14 Sch. 4 para. 4 in force at 29.1.2010 by S.I. 2010/125, art. 2(r)

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