



Police Reform and Social Responsibility Act 2011

2011 CHAPTER 13

PART 2

LICENSING

CHAPTER 2

LATE NIGHT LEVY

Administration of late night levy

129 Payment and administration of the levy

- (1) Regulations—
 - (a) must make provision as to collection and administration, and
 - (b) may make provision as to enforcement,of [^{F1}a late night levy].
- (2) Regulations under subsection (1) must make provision as to the time or times for payment of [^{F2}a levy] to a licensing authority by holders of [^{F3}a late night authorisation to which a late night levy requirement relates].
- (3) Provision made by virtue of subsection (2) may in particular provide for any such time or times to be determined by reference to the holders' payment years.
- (4) Regulations under subsection (1) may make provision for adjustments to be made in cases where—
 - (a) [^{F4}a late night authorisation to which a late night levy requirement relates] ceases to be such an authorisation during the holder's payment year;

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- (b) a premises licence or club premises certificate becomes [^{F5}a late night authorisation to which a late night levy requirement relates] during the holder's payment year;
- (c) an order under section 172A of that Act (early morning restriction orders) precludes the supply of alcohol by virtue of [^{F6}a relevant late night alcohol authorisation to which a late night levy requirement relates] at all the times during the applicable late night supply period when it would otherwise have been permitted by virtue of the authorisation;
- including in cases where the change occurs after the end of [^{F7}the levy year in question].
- (5) Any payment of [^{F8}a late night levy] which is owed to a licensing authority under this Chapter may be recovered as a debt due to the authority.
- (6) The following provisions of the Licensing Act 2003 apply for the purposes of this Chapter—
- (a) section 55A (suspension of premises licence for failure to pay annual fee);
- (b) section 92A (suspension of club premises certificate for failure to pay annual fee),
- but as if a reference to an annual fee, or to the annual fee owed under section 55(2) or 92(2), were a reference to [^{F9}a late night levy], or to the amount of [^{F9}a late night levy] owed under this Chapter.
- (7) Provision that may be made by regulations under this section includes provision conferring functions or a discretion on licensing authorities.

Textual Amendments

- F1** Words in s. 129(1) substituted (31.1.2017 for specified purposes, 13.7.2023 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 18 para. 5(2)**; S.I. 2023/789, reg. 2(b)
- F2** Words in s. 129(2) substituted (31.1.2017 for specified purposes, 13.7.2023 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 18 para. 5(3)(a)**; S.I. 2023/789, reg. 2(b)
- F3** Words in s. 129(2) substituted (31.1.2017 for specified purposes, 13.7.2023 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 18 para. 5(3)(b)**; S.I. 2023/789, reg. 2(b)
- F4** Words in s. 129(4)(a) substituted (31.1.2017 for specified purposes, 13.7.2023 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 18 para. 5(4)(a)**; S.I. 2023/789, reg. 2(b)
- F5** Words in s. 129(4)(b) substituted (31.1.2017 for specified purposes, 13.7.2023 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 18 para. 5(4)(b)**; S.I. 2023/789, reg. 2(b)
- F6** Words in s. 129(4)(c) substituted (31.1.2017 for specified purposes, 13.7.2023 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 18 para. 5(4)(c)**; S.I. 2023/789, reg. 2(b)
- F7** Words in s. 129(4) substituted (31.1.2017 for specified purposes, 13.7.2023 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 18 para. 5(4)(d)**; S.I. 2023/789, reg. 2(b)
- F8** Words in s. 129(5) substituted (31.1.2017 for specified purposes, 13.7.2023 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 18 para. 5(5)**; S.I. 2023/789, reg. 2(b)

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F9 Words in s. 129(6) substituted (31.1.2017 for specified purposes, 13.7.2023 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 18 para. 5(6)**; S.I. 2023/789, reg. 2(b)

Commencement Information

I1 S. 129 in force at 31.10.2012 by S.I. 2012/2670, **art. 2(b)**

130 Net amount of levy payments

- (1) In this Chapter [^{F10}, in relation to a late night levy requirement,] “the net amount of levy payments” of a licensing authority in respect of any period means the amount, calculated in accordance with regulations, which represents—
- (a) the aggregate amount of payments to the authority in respect of the levy that are attributable to that period, less
 - (b) the aggregate amount of expenses of the authority attributable to that period that are permitted deductions under regulations under subsection (2)(a).
- (2) Regulations under subsection (1)—
- (a) must prescribe descriptions of relevant expenses which may be deducted for the purposes of calculating the net amount of levy payments for any period,
 - (b) may make provision for determining the amounts to be taken into account in calculating the net amount of levy payments,
 - (c) may make provision for determining the period to which a payment or deduction is attributable.
- (3) In subsection (2)(a), “relevant expenses” means expenses incurred by a licensing authority in the administration of [^{F11}a late night levy requirement] including, in particular, such expenses incurred in, in connection with or in consequence of—
- (a) any decision mentioned in section 134(1);
 - (b) collection of payments of the late night levy;
 - (c) enforcement of the late night levy requirement.
- (4) Expenses incurred by a licensing authority which fall within subsection (3)(a) include, in particular, expenses which it incurs in connection with any application made by virtue of section 134(2)(c).
- (5) [^{F12}In relation to a late night levy requirement,] a licensing authority must publish the following, in respect of each levy year—
- (a) before the beginning of the year, a statement of its estimate of the amount of deductions permitted under regulations under subsection (2)(a) to be made in respect of the year;
 - (b) after the end of the year, a statement of the net amount of levy payments for the year, showing in particular the amounts mentioned in paragraphs (a) and (b) of subsection (1) attributable to the year.
- (6) It is for the licensing authority to determine the manner in which any statement under subsection (5) is to be published.

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Textual Amendments

- F10** Words in s. 130(1) inserted (31.1.2017 for specified purposes, 13.7.2023 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 18 para. 6(2)**; S.I. 2023/789, reg. 2(b)
- F11** Words in s. 130(3) substituted (31.1.2017 for specified purposes, 13.7.2023 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 18 para. 6(3)**; S.I. 2023/789, reg. 2(b)
- F12** Words in s. 130(5) inserted (31.1.2017 for specified purposes, 13.7.2023 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 18 para. 6(4)**; S.I. 2023/789, reg. 2(b)

Commencement Information

- I2** S. 130 in force at 31.10.2012 by S.I. 2012/2670, **art. 2(b)**

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Cross Heading: Administration of late night levy.