



Police Reform and Social Responsibility Act 2011

2011 CHAPTER 13

PART 2 **E+W**

LICENSING

CHAPTER 2 **E+W**

LATE NIGHT LEVY

Liability to pay late night levy

126 “Relevant late night authorisation” and related definitions **E+W**

- (1) This section applies for the purposes of this Chapter.
- (2) [^{F1}“Relevant late night alcohol authorisation”], in relation to a licensing authority [^{F2}, a late night levy requirement] and a levy year, means a premises licence or club premises certificate which—
 - (a) is granted by the authority, and
 - (b) authorises the supply of alcohol at a time or times during the late night supply period on one or more days in the related payment year [^{F3}(whether or not it also authorises the provision of late night refreshment at a time or times during such a period)].

[^{F4}(2A) “Relevant late night refreshment authorisation”, in relation to a licensing authority, a late night levy requirement and a levy year, means a premises licence which—

- (a) is granted by the authority,
- (b) authorises the provision of late night refreshment at a time or times during the late night supply period on one or more days in the related payment year, and

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- (c) does not also authorise the supply of alcohol at a time or times during any such period.]
- (3) The “late night supply period” in relation to a licensing authority means the period of the day decided by the authority under section 132 or 133.
- [^{F5}(3A) Where a licensing authority decides under section 125(2) to apply a late night levy requirement in respect of both relevant late night alcohol authorisations and relevant late night refreshment authorisations, the licensing authority may determine under section 132(1)—
- (a) a single late night levy period that is to apply in respect of both kinds of authorisations, or
 - (b) two late night levy periods, one of which is to apply in respect of relevant late night alcohol authorisations and the other of which is to apply in respect of relevant late night refreshment authorisations.]
- (4) A late night supply period must—
- (a) begin at or after midnight, and
 - (b) end at or before 6 am.
- (5) [^{F6}A late night supply period] determined by a licensing authority for a levy year must be the same—
- (a) for each payment year beginning during the levy year, and
 - (b) throughout each such payment year.
- (6) Regulations must make provision as to how payment years are to be determined in relation to holders of premises licences or club premises certificates.
- (7) Regulations under subsection (6) may, in particular—
- (a) provide for a holder's payment year to be determined by reference to the period in respect of which the holder is liable to pay an annual fee under section 55(2) or 92(2) of the Licensing Act 2003, or
 - (b) confer functions or a discretion on licensing authorities in relation to premises licences and club premises certificates granted by them.
- (8) Regulations under subsection (6) which provide for licensing authorities to determine payment years must require an authority to decide how the payment years are to be determined at the time the authority decides under section 125(2) that [^{F7}a late night levy requirement] is to apply ^{F8}....
- (9) For the purposes of this section, a payment year is related to a levy year if it begins at the same time as, or during, the levy year.

Textual Amendments

- F1** Words in s. 126(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. 2(2)(a)**; S.I. 2023/789, reg. 2(b)
- F2** Words in s. 126(2) 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. 2(2)(b)**; S.I. 2023/789, reg. 2(b)
- F3** Words in s. 126(2)(b) 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. 2(2)(c)**; S.I. 2023/789, reg. 2(b)

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- F4** S. 126(2A) 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. 2(3)**; S.I. 2023/789, reg. 2(b)
- F5** S. 126(3A) 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. 2(4)**; S.I. 2023/789, reg. 2(b)
- F6** Words in s. 126(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. 2(5)**; S.I. 2023/789, reg. 2(b)
- F7** Words in s. 126(8) 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. 2(6)(a)**; S.I. 2023/789, reg. 2(b)
- F8** Words in s. 126(8) omitted (31.1.2017 for specified purposes, 13.7.2023 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 18 para. 2(6)(b)**; S.I. 2023/789, reg. 2(b)

Commencement Information

- I1** S. 126 in force at 31.10.2012 by S.I. 2012/2670, **art. 2(b)**

127 Liability to pay late night levy **E+W**

- (1) Where [^{F9}a late night levy requirement] applies in the area [^{F10}or part of the area] of a licensing authority, the holder of [^{F11}a late night authorisation to which the requirement relates] must pay a levy (“the late night levy”) to the authority in respect of that authorisation for each levy year, in accordance with this Chapter.
- (2) But a holder of [^{F12}a late night authorisation to which the requirement relates] who falls within an applicable exemption category is not liable to pay the late night levy in respect of that authorisation for the levy year.
- [^{F13}(2A) In addition, if the requirement relates to a late night authorisation that is a relevant late night refreshment authorisation, the holder of the authorisation is not liable to pay the late night levy for a levy year if only hot drinks are supplied (or held out for supply) in reliance on the authorisation during the levy year.]
- (3) For this purpose, “applicable exemption category”, in relation to a levy year, means a permitted exemption category that the licensing authority has decided under section 132 or 133 is to apply [^{F14}in relation to the late night levy requirement] for the levy year.

Textual Amendments

- F9** Words in s. 127(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. 3(2)(a)**; S.I. 2023/789, reg. 2(b)
- F10** Words in s. 127(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. 3(2)(b)**; S.I. 2023/789, reg. 2(b)
- F11** Words in s. 127(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. 3(2)(c)**; S.I. 2023/789, reg. 2(b)
- F12** Words in s. 127(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. 3(3)**; S.I. 2023/789, reg. 2(b)

Changes to legislation: There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Cross Heading: Liability to pay late night levy. (See end of Document for details)

- F13** S. 127(2A) 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. 3(4)**; S.I. 2023/789, reg. 2(b)
- F14** Words in s. 127(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. 3(5)**; S.I. 2023/789, reg. 2(b)

Commencement Information

- I2** S. 127 in force at 31.10.2012 by S.I. 2012/2670, **art. 2(b)**

128 Amount of late night levy **E+W**

- (1) For [^{F15}any levy requirement and] any levy year, the amount of the levy is—
- (a) the amount prescribed by regulations, or
 - (b) the amount calculated in accordance with regulations.
- (2) But in the case of the holder of [^{F16}a late night authorisation to which a late night levy requirement relates] who falls within an applicable reduction category, the amount of the late night levy payable in respect of the authorisation is the reduced amount that applies in relation to that category (see section 135(4)).
- (3) For this purpose “applicable reduction category”, in relation to [^{F17}a late night levy requirement and] a levy year, means a permitted reduction category that the licensing authority has decided under section 132 or 133 is to apply [^{F18}in relation to the late night levy requirement] for the levy year.
- (4) Subject to subsection (2), regulations under subsection (1) must provide for the amount of [^{F19}a late night levy], or the manner in which it is to be calculated, to be the same [^{F20}in respect of all late night levy requirements] for all persons liable to pay [^{F21}a levy] in respect of an authorisation ^{F22}....

Textual Amendments

- F15** Words in s. 128(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. 4(2)**; S.I. 2023/789, reg. 2(b)
- F16** Words in s. 128(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. 4(3)**; S.I. 2023/789, reg. 2(b)
- F17** Words in s. 128(3) 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. 4(4)(a)**; S.I. 2023/789, reg. 2(b)
- F18** Words in s. 128(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. 4(4)(b)**; S.I. 2023/789, reg. 2(b)
- F19** Words in s. 128(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. 4(5)(a)**; S.I. 2023/789, reg. 2(b)
- F20** Words in s. 128(4) 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. 4(5)(b)**; S.I. 2023/789, reg. 2(b)

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- F21** Words in s. 128(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. 4(5)(c)**; S.I. 2023/789, reg. 2(b)
- F22** Words in s. 128(4) omitted (31.1.2017 for specified purposes, 13.7.2023 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 18 para. 4(5)(d)**; S.I. 2023/789, reg. 2(b)

Commencement Information

- I3** S. 128 in force at 31.10.2012 by S.I. 2012/2670, **art. 2(b)**

Changes to legislation:

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