



# Deregulation Act 2015

## 2015 CHAPTER 20

### *Alcohol, sport and entertainment*

PROSPECTIVE

#### **67 Sale of alcohol: community events etc and ancillary business sales**

- (1) In section 2 of the Licensing Act 2003 (authorisation for licensable activities etc), after subsection (1) insert—

“(1A) The licensable activity of selling alcohol by retail may be carried on if each sale is a permitted sale by virtue of Part 5A.”

- (2) After Part 5 of that Act, insert the Part set out in Schedule 17 to this Act.

- (3) In section 136 of that Act (unauthorised licensable activities), at the end of subsection (5) insert—

“In addition, for the purposes of this Part the licensable activity of selling alcohol by retail is under and in accordance with an authorisation if each sale is a permitted sale by virtue of Part 5A.”

- (4) In section 140 of that Act (allowing disorderly conduct on licensed premises etc)—

- (a) omit the “and” before subsection (2)(d);
- (b) after that paragraph insert “, and
- (e) in the case of premises specified in a Part 5A notice, to the person who gave the notice.”

- (5) In section 141 of that Act (sale of alcohol to a person who is drunk)—

- (a) omit the “and” before subsection (2)(d);
- (b) after that paragraph insert “, and
- (e) in the case of premises specified in a Part 5A notice, to the person who gave the notice.”;
- (c) in subsection (3), after “This section” insert “ (except subsection (2)(e)) ”.

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- (6) In section 143 of that Act (failure to leave licensed premises etc)—
- (a) omit the “and” before subsection (2)(d);
  - (b) after that paragraph insert “, and
    - (e) in the case of premises specified in a Part 5A notice, to the person who gave the notice.”
- (7) In section 144 of that Act (keeping of smuggled goods)—
- (a) omit the “and” before subsection (2)(d);
  - (b) after that paragraph insert “, and
    - (e) in the case of premises specified in a Part 5A notice, to the person who gave the notice.”
- (8) In section 147A of that Act (persistently selling alcohol to children)—
- (a) in subsection (1)(b), for the words from “either” to “Part 5” substitute “ licensed premises, premises authorised to be used for a permitted temporary activity by virtue of Part 5 or premises specified in a Part 5A notice ”;
  - (b) in subsection (4), after paragraph (b) insert “; or
    - (c) the person or one of the persons who gave a Part 5A notice in respect of the premises.”
- (9) In section 153 of that Act (prohibition of unsupervised sales by children)—
- (a) omit the “and” before subsection (4)(c);
  - (b) after that paragraph insert “, and
    - (d) in relation to a sale by retail that is a permitted sale by virtue of Part 5A—
      - (i) the person who gave the Part 5A notice, or
      - (ii) any individual aged 18 or over who is authorised for the purposes of this section by that person.”
- (10) In section 159 of that Act (interpretation of Part 7), at the end of the definition of “relevant premises” insert “, or
- (d) except in sections 145 and 152, premises that (by reason of being specified in a Part 5A notice) are premises on which a sale by retail of alcohol is capable of being a permitted sale by virtue of Part 5A;”.
- (11) In section 194 of that Act (index of defined expressions) insert the following entries at the appropriate places—
- |   |                    |
|---|--------------------|
| “Part 5A notice                           | section 110A(2)”   |
| “relevant licensing authority, in Part 5A | section 110N”      |
| “relevant person, in Part 5A              | section 110D(11)”. |
- (12) In section 197 of that Act (regulations and orders)—
- (a) in subsection (3) (which lists exceptions to the use of the negative procedure), after paragraph (c) insert—

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- “(cza) regulations under section 110B(2), (3) or (7) or 110C(2), (3), (5) or (6) (regulations relating to sales of alcohol permitted by virtue of Part 5A),”;
- (b) in subsection (4) (which specifies when the affirmative procedure is required)
- 
- (i) after “or (g)” insert “ or regulations within subsection (3)(cza) ”;
- (ii) after “the order” insert “ or regulations ”.

## 68 Temporary event notices: increase in maximum number of events per year

- (1) In section 107 of the Licensing Act 2003 (counter notice where permitted limits exceeded), in subsection (4) (maximum number of events per year), for “12” substitute “ 15 ”.
- (2) The amendment made by this section has effect for the year 2016 and subsequent years.

### Commencement Information

**II** S. 68 in force at 26.5.2015 by S.I. 2015/994, art. 6(h)

## 69 Personal licences: no requirement to renew

- (1) In section 115 of the Licensing Act 2003 (period of validity of personal licence), in subsection (1), for the words after “A personal licence” substitute “ has effect indefinitely. ”
- (2) The amendment made by subsection (1), and the consequential amendments made by Schedule 18, apply in relation to—
- (a) a personal licence granted under section 120 of the Licensing Act 2003 on or after the day on which this section comes into force;
- (b) a personal licence granted under section 120 of that Act before that day, or renewed under section 121 of that Act before that day, for a period expiring on or after that day.
- (3) Accordingly, any term in a personal licence granted as mentioned in subsection (2) (b) which provides for it to have effect only for a particular period has no effect on or after the day on which this section comes into force.

### Commencement Information

**I2** S. 69 in force at 1.4.2015 by S.I. 2015/994, art. 2(c)

## 70 Sale of liqueur confectionery to children under 16: abolition of offence

Section 148 of the Licensing Act 2003 (sale of liqueur confectionery to children under 16) is repealed.

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### Commencement Information

**I3** S. 70 in force at 26.5.2015 by S.I. 2015/994, art. 6(i)

VALID FROM 01/10/2015

## 71 Late night refreshment

- (1) Schedule 2 to the Licensing Act 2003 (provision of late night refreshment) is amended as follows.
- (2) In paragraph 1(1) (definition of “provides late night refreshment”), in the words after paragraph (b), after “paragraph” insert “ 2A, ”.
- (3) After paragraph 2 insert—

### 2A “Exempt supplies: designated areas, descriptions of premises and times

- (1) The supply of hot food or hot drink is an exempt supply for the purposes of paragraph 1(1) if it takes place—
  - (a) on or from premises which are wholly situated in an area designated by the relevant licensing authority;
  - (b) on or from premises which are of a description designated by the relevant licensing authority; or
  - (c) during a period (beginning no earlier than 11.00 p.m. and ending no later than 5.00 a.m.) designated by the relevant licensing authority.
- (2) A licensing authority may designate a description of premises under sub-paragraph (1)(b) only if the description is one that is prescribed by regulations.
- (3) A designation under sub-paragraph (1) may be varied or revoked by the licensing authority that made it.
- (4) A licensing authority that makes, varies or revokes a designation under sub-paragraph (1) must publish the designation, variation or revocation.
- (5) In sub-paragraph (1) references to the “relevant licensing authority”, in relation to a supply of hot food or hot drink, are references to—
  - (a) the licensing authority in whose area the premises on or from which the food or drink is supplied are situated, or
  - (b) where those premises are situated in the areas of two or more licensing authorities, any of those authorities.”

## 72 Removal of requirement to report loss or theft of licence etc to police

In the Licensing Act 2003, omit the following provisions (which impose requirements for the loss or theft of certain documents to be reported to the police before copies may be issued)—

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- (a) in section 25 (premises licence or summary), subsection (3)(b), and the “and” before it;
- (b) in section 79 (club premises certificate or summary), subsection (3)(b), and the “and” before it;
- (c) in section 110 (temporary event notice), subsection (4)(b), and the “and” before it;
- (d) in section 126 (theft, loss, etc of personal licence), subsection (3)(b), and the “and” before it.

#### Commencement Information

**I4** S. 72 in force at 26.5.2015 by S.I. 2015/994, art. 6(j)

VALID FROM 10/03/2017

### **73 Motor racing on public roads: general**

- (1) The Road Traffic Act 1988 is amended as follows.
- (2) In section 12 (motor racing on public ways), after subsection (1) insert—
  - “(1A) Subsection (1) is subject to—
    - (a) in relation to England and Wales, sections 12A to 12F (which make provision to allow the holding of races or trials of speed between motor vehicles on public ways in England and Wales);
    - (b) in relation to Scotland, sections 12G to 12I (which make provision to allow the holding of races or trials of speed between motor vehicles on public ways in Scotland).”

- (3) After section 12 insert—

#### **“12A Motor race orders: England and Wales: overview**

- (1) Sections 12A to 12F allow highway authorities to make orders relating to the holding of a race or trial of speed between motor vehicles on a highway in England and Wales (“motor race orders”).
- (2) A motor race order is made on the application of the person promoting the event, with the permission of a motor sport governing body (see sections 12B to 12D).
- (3) The effect of a motor race order is set out in section 12E.

#### **12B Permission to apply for motor race order**

- (1) A person who wishes to promote a race or trial of speed between motor vehicles on a highway in England and Wales may apply for a permit to a motor sport governing body authorised by regulations made by the appropriate national authority to issue permits in respect of a race or trial of speed of that kind.

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- (2) Before issuing a permit, the motor sport governing body must consult—
  - (a) the highway authority for each area in which the event is to take place or which is otherwise likely to be significantly affected by the event,
  - (b) the local authority for each such area,
  - (c) the police authority for each such area,
  - (d) in the case of an event that is to take place in Greater London, the Greater London Authority,
  - (e) each person who has given the motor sport governing body written notice within the previous 12 months that the person wishes to be consulted about applications under this section, and
  - (f) such other persons as the motor sport governing body thinks appropriate.
- (3) The motor sport governing body must issue the permit if satisfied that—
  - (a) the applicant intends to promote the proposed event,
  - (b) the applicant has the necessary financial and other resources to make appropriate arrangements for the event,
  - (c) the applicant has arranged or will arrange appropriate insurance cover in connection with the event, in accordance with guidance issued by the motor sport governing body, and
  - (d) the application includes all necessary details of the safety and other arrangements proposed for the event.
- (4) A permit must specify—
  - (a) any route to be followed in the course of the event;
  - (b) arrangements for the approval by the motor sport governing body of drivers participating in the event;
  - (c) arrangements for the approval by the motor sport governing body of vehicles to be used in the course of the event;
  - (d) arrangements made or to be made for insurance in connection with the event.
- (5) A permit may set out conditions that the motor sport governing body thinks should be included in any motor race order made in relation to the event.
- (6) The appropriate national authority must by regulations list motor sport governing bodies that are authorised to issue permits for the purposes of this section.
- (7) The regulations may specify the kinds of races or trials of speed between motor vehicles on a highway in respect of which each listed governing body may issue permits.
- (8) The regulations may provide that a listed motor sport governing body ceases to be authorised to issue permits if the rules of the governing body—
  - (a) include provision of a kind specified in the regulations;
  - (b) do not include provision of a kind so specified.
- (9) In this section—

“the appropriate national authority” means—

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- (a) in relation to England, the Secretary of State;
  - (b) in relation to Wales, the Welsh Ministers;
- “local authority” means —
- (a) a county or district council in England;
  - (b) a parish council in England;
  - (c) a London borough council;
  - (d) the Common Council of the City of London in its capacity as a local authority;
  - (e) the Council of the Isles of Scilly;
  - (f) a county or county borough council in Wales.

### **12C Application for motor race order**

- (1) A motor race order may only be made on an application under this section.
- (2) An application may be made only by a person who—
  - (a) wishes to promote a race or trial of speed between motor vehicles on a highway in England and Wales, and
  - (b) has a permit issued in accordance with section 12B in relation to the event.
- (3) The application must be made to the highway authority for the area in which the event is to take place (and, where the event is to take place in the area of more than one highway authority, separate applications must be made under this section to each authority).
- (4) The application must be made not less than 6 months before the event.
- (5) The application must be accompanied by—
  - (a) the permit issued in accordance with section 12B;
  - (b) details of any orders under section 16A of the Road Traffic Regulation Act 1984 (prohibition or restriction on roads in connection with certain events), and of any other orders, regulations or other legislative instruments, that will be needed in connection with the event;
  - (c) a risk assessment in such form as the highway authority may specify;
  - (d) such fee as the highway authority may specify.

### **12D Determination of applications for motor race orders**

- (1) Before determining whether to make a motor race order, a highway authority must consider—
  - (a) the likely impact of the event on the local community,
  - (b) the potential local economic and other benefits (in respect of tourism or otherwise), and
  - (c) any other local considerations that the authority thinks relevant.
- (2) The highway authority may make the motor race order if satisfied that—
  - (a) adequate arrangements have been made to allow the views of the local community to be taken into account,

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- (b) the person proposing to promote the event has shown that the event is commercially viable, and
  - (c) effective arrangements have been made to involve local residents, the police and other emergency services in the planning and implementation of the event.
- (3) A motor race order must—
- (a) specify the event to which it relates, including the date or (in the case of an event that is to take place on more than one day) the dates on which it is to take place,
  - (b) include a map of the area to be used for the event (showing, in particular, the roads which participants will use, and areas which will be available for occupation by spectators), and
  - (c) include any other information specified by the appropriate national authority by regulations.
- (4) A motor race order may include conditions which must be satisfied before, during or after the event.
- (5) A motor race order may, in particular, include conditions designed to ensure that the arrangements mentioned in subsection (2)(c) continue throughout the planning and implementation of the event.
- (6) In this section, “the appropriate national authority” means—
- (a) in relation to England, the Secretary of State;
  - (b) in relation to Wales, the Welsh Ministers.

### **12E Effect of motor race order**

- (1) A motor race order made under section 12D has the effect described in this section.
- (2) Section 12(1) does not apply to the promoter of the event if that person—
- (a) promotes the event in accordance with any conditions imposed on the promoter by the motor race order, and
  - (b) takes reasonable steps to ensure that any other conditions specified in the motor race order are met.
- (3) The provisions listed in the Table do not apply in relation to a participant or an official or (as the case may be) in relation to a vehicle used by a participant or an official provided that—
- (a) the participant has been approved by the motor sport governing body that issued a permit in respect of the event or (as the case may be) the official has been authorised by the promoter,
  - (b) the participant or official complies with any conditions specified in the motor race order that apply to participants or (as the case may be) officials, and
  - (c) the participant or official also complies with any conditions imposed on him or her by the promoter.

**Provision**

**Topic**

Road Traffic Regulation Act 1984



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Section 18(3)	Contravention of order relating to one-way traffic on trunk roads
Section 20(5)	Contravention of order relating to use on roads of vehicles of certain classes
Section 81(1), an order under section 84(1), section 86(1), an order under section 88(1) and section 89(1)	Speed limits
Regulations under section 99	Removal of vehicles illegally parked etc
Section 104(1)	Immobilisation of vehicles illegally parked
Road Traffic Act 1988	
Section 1	Causing death by dangerous driving
Section 1A	Causing serious injury by dangerous driving
Section 2	Dangerous driving
Section 2B	Causing death by careless, or inconsiderate, driving
Section 3	Careless, and inconsiderate, driving
Section 3ZB	Causing death by driving: unlicensed, disqualified or uninsured drivers
Section 12(1)	Motor racing on public ways
Section 21(1)	Prohibition of driving or parking on cycle tracks
Section 22	Leaving vehicles in dangerous positions
Section 22A	Causing danger to road-users
Section 36(1)	Drivers to comply with traffic signs
The Highway Code, as it has effect under section 38	
Section 40A	Using vehicle in dangerous condition etc
Regulations under section 41	Regulation of construction, weight, equipment and use of vehicles
Section 41A	Breach of requirement as to brakes, steering-gear or tyres
Section 41C	Breach of requirement as to speed assessment equipment detection devices
Section 42	Breach of other construction and use requirements
Section 47(1)	Obligatory test certificates
Section 87(1)	Drivers of motor vehicles to have driving licences

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Section 103(1)(b)	Driving while disqualified
Section 143(1) and (2)	Users of motor vehicles to be insured or secured against third-party risks
Sections 164 and 165	Powers of constables to require production of driving licence, obtain information etc
Section 165A	Power to seize vehicles driven without licence or insurance
Section 170	Duty of driver to stop, report accident and give information or documents
Vehicle Excise and Registration Act 1994	
Section 1(1)(b)	Circumstances in which vehicle excise duty is chargeable on unregistered mechanically propelled vehicles
Section 29(1)	Offence of using or keeping an unlicensed vehicle
<p>(4) The appropriate national authority may by regulations amend this section so as to—</p> <ul style="list-style-type: none"> <li>(a) add or omit an entry in the Table in subsection (3);</li> <li>(b) provide that subsection (3) applies in relation to a provision for the time being included in the Table only for purposes specified in the regulations;</li> <li>(c) provide that subsection (3) applies in relation to a provision for the time being included in the Table only if a condition specified in the regulations is included in the motor race order.</li> </ul> <p>(5) However, regulations under subsection (4) may not add any provision of sections 3A to 11 of this Act (motor vehicles: drink and drugs) to the Table in subsection (3).</p> <p>(6) The promoter of an event in respect of which a motor race order has been made is liable in damages if personal injury or damage to property is caused by anything done—</p> <ul style="list-style-type: none"> <li>(a) by or on behalf of the promoter in connection with the event, or</li> <li>(b) by or on behalf of a participant or an official,</li> </ul> <p>unless it is proved that the promoter took reasonable steps to prevent the injury or damage occurring.</p> <p>(7) For the purposes of the Law Reform (Contributory Negligence) Act 1945, the Fatal Accidents Act 1976 and the Limitation Act 1980 any injury or damage for which a person is liable under subsection (6) is to be treated as due to the fault of that person.</p> <p>(8) In this section—</p> <p>“the appropriate national authority” means—</p> <ul style="list-style-type: none"> <li>(a) in relation to England, the Secretary of State;</li> <li>(b) in relation to Wales, the Welsh Ministers;</li> </ul>	

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“official” means a person who facilitates the holding of a race or trial of speed.

### **12F Regulations by appropriate national authority: procedure**

- (1) A power to make regulations conferred on the Secretary of State or the Welsh Ministers by section 12B(6), 12D(3)(c) or 12E(4) is exercisable by statutory instrument.
- (2) A statutory instrument containing regulations made by the Secretary of State under section 12E(4) (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (3) A statutory instrument containing regulations made by the Secretary of State under section 12B(6) or 12D(3)(c) (other than regulations to which subsection (2) applies) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) A statutory instrument containing regulations made by the Welsh Ministers under section 12E(4) (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (5) A statutory instrument containing regulations made by the Welsh Ministers under section 12B(6) or 12D(3)(c) (other than regulations to which subsection (4) applies) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

### **12G Authorisation of races and trials of speed in Scotland**

- (1) The Scottish Ministers may by regulations authorise, or make provision for authorising, the holding of races or trials of speed on public roads in Scotland.
- (2) Regulations under this section may in particular—
  - (a) specify the persons by whom authorisations may be given;
  - (b) limit the circumstances in which, and the places in respect of which, authorisations may be given;
  - (c) provide for authorisations to be subject to conditions imposed by or under the regulations;
  - (d) provide for authorisations to cease to have effect in circumstances specified in the regulations;
  - (e) provide for the procedure to be followed, the particulars to be given, and the amount (or the persons who are to determine the amount) of any fees to be paid, in connection with applications for authorisations.
- (3) Regulations under this section may make different provision for different cases.

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### **12H Races and trials of speed in Scotland: further provision**

- (1) Section 12(1) does not apply to the promoter of an event that has been authorised by or under regulations under section 12G if that person—
  - (a) promotes the event in accordance with any conditions imposed on the promoter by or under the regulations, and
  - (b) takes reasonable steps to ensure that any other conditions imposed by or under the regulations are met.
- (2) Section 12(1) does not apply to a participant in an event that has been authorised by or under regulations under section 12G, provided that the participant complies with any conditions imposed on participants by or under the regulations.
- (3) Sections 1, 1A, 2, 2B and 3 do not apply to a participant in an event that has been authorised by or under regulations under section 12G or to any other person of a description specified in regulations made by the Scottish Ministers, provided that the participant or other person complies with any conditions imposed on participants or on persons of that description by or under regulations under section 12G.
- (4) The Scottish Ministers may by regulations make provision for specified provisions of legislation of a kind mentioned in subsection (5)—
  - (a) not to apply in relation to participants in events authorised by or under regulations under section 12G or (as appropriate) in relation to vehicles used by such persons;
  - (b) to apply in relation to such persons or vehicles subject to modifications specified in the regulations;
  - (c) not to apply in relation to persons of a description specified in regulations under this subsection or (as appropriate) in relation to vehicles used by such persons;
  - (d) to apply in relation to such persons or vehicles subject to modifications specified in the regulations.
- (5) The kinds of legislation are—
  - (a) legislation restricting the speed of vehicles or otherwise regulating the use of vehicles on a public road;
  - (b) legislation regulating the construction, maintenance or lighting of vehicles;
  - (c) legislation requiring a policy of insurance or security to be in force in relation to the use of any vehicle;
  - (d) legislation relating to the duty chargeable on, or the licensing and registration of, vehicles;
  - (e) legislation requiring the driver of a vehicle to hold a licence to drive it;
  - (f) legislation relating to the enforcement of any legislation mentioned in paragraphs (a) to (e).
- (6) However, regulations under subsection (4) may not disapply, or otherwise alter the application of, sections 3A to 11 of this Act (motor vehicles: drink and drugs).

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- (7) The Scottish Ministers may by regulations amend section 16A of the Road Traffic Regulation Act 1984 so as to enable orders under that section that are made for the purposes of an event authorised by or under regulations under section 12G to suspend statutory provisions in addition to those specified in section 16A(11).
- (8) The promoter of an event that has been authorised by or under regulations under section 12G is liable in damages if personal injury or damage to property is caused by anything done—
- (a) by or on behalf of the promoter in connection with the event,
  - (b) by or on behalf of a participant, or
  - (c) by or on behalf of a person of a description specified in regulations made by the Scottish Ministers,
- unless it is proved that the promoter took reasonable steps to prevent the injury or damage occurring.
- (9) For the purposes of the Law Reform (Contributory Negligence) Act 1945, any injury or damage for which a person is liable under subsection (8) is to be treated as due to the fault of that person.
- (10) In this section, “legislation” means—
- (a) an Act or subordinate legislation (within the meaning of the Interpretation Act 1978);
  - (b) an Act of the Scottish Parliament or an instrument made under an Act of the Scottish Parliament.

#### **12I Regulations under section 12G or 12H: procedure**

- (1) Before making regulations under section 12H(3), (4), (7) or (8), the Scottish Ministers must consult such persons as they consider appropriate.
- (2) Regulations under section 12G are subject to the negative procedure.
- (3) Regulations under section 12H(3), (4), (7) or (8) are subject to the affirmative procedure.”

VALID FROM 10/03/2017

#### **74 Motor racing: road closures**

- (1) Section 16A of the Road Traffic Regulation Act 1984 (which allows a traffic authority to impose by order restrictions or temporary prohibitions on the use of roads in connection with certain events) is amended as follows.
- (2) In subsection (4), in paragraph (a), after “(motor racing on public ways)” insert “ unless a motor race order under section 12D of that Act is made in relation to the race or trial or it is authorised by or under regulations under section 12G of that Act ”.
- (3) After subsection (11) insert—

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- “(12) An order under this section that is made for the purposes of a race or trial of speed in relation to which a motor race order under section 12D of the Road Traffic Act 1988 has been made may also suspend—
- (a) regulations under section 25(1);
  - (b) section 28(1);
  - (c) an order under section 29(1);
  - (d) byelaws under section 31(1);
  - (e) any provision made by or under Part 4.”

VALID FROM 10/03/2017

## **75 Motor racing: consequential amendments**

- (1) The Road Traffic Act 1988 is amended in accordance with subsections (2) to (5).
- (2) For the italic cross-heading before section 12 substitute “ Motor racing on public ways ”.
- (3) Before section 13 insert the italic cross-heading “ Other motor events ”.
- (4) In section 193A (tramcars and trolley vehicles), after subsection (3) insert—
 

“(3A) Sections 12A to 12I do not apply to tramcars or to trolley vehicles.”
- (5) In section 195 (provisions as to regulations), after subsection (5) insert—
 

“(6) This section does not apply in relation to regulations under section 12B(6), 12D(3)(c) or 12E(4) (provision as to which is made by section 12F) or regulations under section 12G or 12H(3), (4), (7) or (8) (provision as to which is made by section 12I).”
- (6) The Secretary of State may by regulations made by statutory instrument repeal any local Act passed before this Act which makes provision for authorising races or trials of speed between motor vehicles on highways in England and Wales (and, for this purpose, “highway” has the same meaning as in the Road Traffic Act 1988).
- (7) Regulations under subsection (6) may include transitional, transitory or saving provision.
- (8) Before making regulations under subsection (6), the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (9) A statutory instrument containing regulations under subsection (6) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) The Scottish Ministers may by regulations repeal any local Act passed before this Act which makes provision for authorising races or trials of speed between motor vehicles on public roads in Scotland (and, for this purpose, “public road” has the same meaning as in the Road Traffic Act 1988).
- (11) Regulations under subsection (10) may include transitional, transitory or saving provision.

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(12) Before making regulations under subsection (10), the Scottish Ministers must consult such persons as they consider appropriate.

(13) Regulations under subsection (10) are subject to the negative procedure.

#### Extent Information

E1 S. 75(1)-(5) extends to England and Wales and Scotland; s. 75(6)-(9) extends to England and Wales only; s. 75(10)-(13) extends to Scotland only

## 76 Exhibition of films in community premises

In the Licensing Act 2003, in Schedule 1 (provision of regulated entertainment), in Part 2 (exemptions), after paragraph 6 insert—

### “Film exhibitions: community premises

- 6A (1) The provision of entertainment consisting of the exhibition of a film at community premises is not to be regarded as the provision of regulated entertainment for the purposes of this Act if the following conditions are satisfied.
- (2) The first condition is that prior written consent for the entertainment to take place at the community premises has been obtained, by or on behalf of a person concerned in the organisation or management of the entertainment—
- (a) from the management committee of the community premises, or
  - (b) where there is no management committee, from—
    - (i) a person who has control of the community premises (as occupier or otherwise) in connection with the carrying on by that person of a trade, business or other undertaking (for profit or not), or
    - (ii) where there is no such person, an owner of the community premises.
- (3) The second condition is that the entertainment is not provided with a view to profit.
- (4) The third condition is that the entertainment takes place in the presence of an audience of no more than 500 persons.
- (5) The fourth condition is that the entertainment takes place between 8am and 11pm on the same day.
- (6) The fifth condition is that the film classification body or the relevant licensing authority has made a recommendation concerning the admission of children to an exhibition of the film and—
- (a) where a recommendation has been made only by the film classification body, the admission of children is subject to such restrictions (if any) as are necessary to comply with the recommendation of that body;

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- (b) where a recommendation has been made only by the relevant licensing authority, the admission of children is subject to such restrictions (if any) as are necessary to comply with the recommendation of that authority;
  - (c) where recommendations have been made both by the film classification body and the relevant licensing authority, the admission of children is subject to such restrictions (if any) as are necessary to comply with the recommendation of the relevant licensing authority.
- (7) In sub-paragraph (6) the reference to the “relevant licensing authority”, in relation to the exhibition of a film at particular community premises, is a reference to—
- (a) the licensing authority in whose area the premises are situated, or
  - (b) where the premises are situated in the areas of two or more licensing authorities, those authorities or (as the context requires) such of those authorities as have made a recommendation.
- (8) In this paragraph—
- “children” and “film classification body” have the same meaning as in section 20;
  - “owner”, in relation to community premises, means—
- (a) a person who is for the time being entitled to dispose of the fee simple in the premises, whether in possession or in reversion, or
  - (b) a person who holds or is entitled to the rents and profits of the premises under a lease which (when granted) was for a term of not less than 3 years.”

#### Commencement Information

**I5** S. 76 in force at 6.4.2015 by S.I. 2015/994, art. 3(c)

## 77 TV licensing: duty to review sanctions

- (1) The Secretary of State must carry out a review of the sanctions that are appropriate in respect of contraventions of section 363 of the Communications Act 2003 (licence required for installation or use of television receiver).
- (2) A review under subsection (1) must—
  - (a) examine proposals for decriminalisation of offences under section 363 of the Communications Act 2003;
  - (b) begin before the end of the period of 3 months beginning with the day on which this Act is passed;
  - (c) be completed no later than 12 months after the day on which it begins; and
  - (d) be laid before both Houses of Parliament by the Secretary of State on completion and be presented to the BBC Trust.
- (3) The Secretary of State must, before the end of the period of 3 months beginning with the day on which the review is completed, lay before both Houses of Parliament a report setting out the Secretary of State's response to the review which must include—



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- (a) a statement as to whether the Secretary of State proposes to exercise the power to make regulations under section 78(1)(a) or (b), and
- (b) if the Secretary of State proposes to do so, an outline of the steps that the Secretary of State proposes to take in consequence and when those steps will be taken.

#### Commencement Information

**I6** S. 77 in force at 26.5.2015 by S.I. 2015/994, art. 6(k)

### 78 TV licensing: alternatives to criminal sanctions

- (1) The Secretary of State may by regulations made by statutory instrument—
  - (a) replace the TV licensing offences with civil monetary penalties payable to the BBC, or
  - (b) amend Part 3 of the Regulatory Enforcement and Sanctions Act 2008 so as to enable an order to be made under section 36 of that Act conferring power on the BBC to impose in relation to a TV licensing offence—
    - (i) a fixed monetary penalty (within the meaning of that Part);
    - (ii) a variable monetary penalty (within the meaning of that Part).
- (2) Regulations under subsection (1)(a) may provide for the amount of a monetary penalty to be—
  - (a) a fixed amount specified in, or determined in accordance with, the regulations, or
  - (b) such amount, not exceeding a maximum amount specified in the regulations, as may be determined by a body so specified.
- (3) Regulations under subsection (1)(a) must—
  - (a) make provision as to the steps that must be taken before a monetary penalty is imposed;
  - (b) make provision conferring rights to appeal against the imposition of a monetary penalty.
- (4) Regulations under subsection (1)(a) may make provision corresponding to any provision that could be included in an order under Part 3 of the Regulatory Enforcement and Sanctions Act 2008 by virtue of section 52 of that Act (early payment discounts, late payment and enforcement).
- (5) Regulations under subsection (1)(a) may—
  - (a) confer powers to obtain information for the purpose of determining whether to impose a monetary penalty;
  - (b) confer powers of entry, search or seizure for that purpose.
- (6) Regulations under subsection (1)(a) may repeal or otherwise amend any provision of Part 4 of the Communications Act 2003.
- (7) Any sums received by the BBC by virtue of regulations under this section must be paid into the Consolidated Fund.
- (8) Regulations under this section may include—
  - (a) consequential provision, or

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- (b) transitional, transitory or saving provision,  
and any such provision may be made by repealing, revoking or otherwise amending or modifying legislation.
- (9) Regulations under this section may make different provision for different purposes or areas.
- (10) A statutory instrument containing regulations under this section may not be made unless a draft has been laid before, and approved by a resolution of, each House of Parliament.
- (11) Regulations under subsection (1) may not be made so as to come into force before 1 April 2017.
- (12) Unless the power conferred by subsection (1) is exercised before the end of the period of 24 months beginning with the day on which the review required by section 77 is completed, this section expires at the end of that period.
- (13) “The TV licensing offences” are—
  - (a) the offence under section 363(2) of the Communications Act 2003 (installing or using a television receiver without a licence), and
  - (b) the offence under section 363(3) of that Act (having a receiver in a person's possession intending to install or use it without a licence etc).
- (14) In this section—
  - “the BBC” means the British Broadcasting Corporation;
  - “legislation” means—
    - (a) an Act or subordinate legislation (within the meaning of the Interpretation Act 1978);
    - (b) an Act of the Scottish Parliament or an instrument made under an Act of the Scottish Parliament;
    - (c) a Measure or Act of the National Assembly for Wales or an instrument made under a Measure or Act of that Assembly; and
    - (d) Northern Ireland legislation or an instrument made under Northern Ireland legislation.

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**Commencement Information**

**I7** S. 78 in force at 26.5.2015 by S.I. 2015/994, art. 6(1)

**Status:**

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**Changes to legislation:**

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