
EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the third Commencement Order made by the Secretary of State under the Licensing Act 2003 (“the Act”). The Order brings into force those provisions of the Act listed in the Schedule to the Order, to the extent specified. The provisions fall into the following four broad categories:

- (a) a provision setting the scope of the new licensing regime under the Act (section 1);
- (b) provisions providing the general framework of, and apparatus for, the new regime, some of which are necessary to allow the licensing authorities to start preparing for the exercise of their regulatory functions (sections 3, 4, 5, 8 and 182 and Schedules 1, 2 and 3). These provisions relate to matters which include the general duties of licensing authorities (section 4(1)); the licensing objectives (section 4(2)); the duty of licensing authorities to determine and to publish a statement of its licensing policy (section 5); and the duty of the Secretary of State to issue guidance to licensing authorities on the discharge of their functions under the Act (section 182);
- (c) provisions containing the power for the Secretary of State to make regulations or an order under the Act (sections 9(2), 13(2)(f) and (4)(i), 16(1)(i), 17(3)(b), (c), (4) and (5), 24, 29(6), 30, 31(6)(a), 34(5), 37(3)(a), 47(2)(a), 51(3), 54, 55, 58(1)(c), 69(2)(f) and (4)(i), 71(4)(b), (5) and (6), 78, 84(4), 87(3), 91, 92, 95(1)(c), 100(4), (5)(f), (7)(b) and (8), 102(2), 107(7) and (12), 110(3), 113(2)(120(2)(b), 125(4), 133, 167(4), 173(1)(h), (3) and (5), 176(3), 178(1)(b) and (4)(d), 183(1), 187(7), 197 and 198(2)). The regulation and order-making powers relate to matters which include the proceedings of licensing committees (section 9(2)); the advertising of applications (sections 17(5), 30, 51(3)(b), 71(6)(a) and 84(4)); fees to accompany applications (sections 55, 92 and 133); and the form of applications (sections 54, 91 and 133); and
- (d) provisions defining certain key terms under the Act (sections 191, 192, 193 and 194). These sections define terms that include “alcohol” (section 191) and “sale by retail” (section 192).