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STATUTORY INSTRUMENTS

2007 No. 1183

CRIMINAL LAW, ENGLAND AND WALES

LICENCES AND LICENSING

**The Licensing Act 2003 (Persistent Selling
of Alcohol to Children) (Prescribed Form
of Closure Notice) Regulations 2007**

<i>Made</i>	- - - -	<i>11th April 2007</i>
<i>Laid before Parliament</i>		<i>12th April 2007</i>
<i>Coming into force</i>	- -	<i>3rd May 2007</i>

The Secretary of State makes the following Regulations in exercise of the power conferred by section 169A(3)(a) of the Licensing Act 2003⁽¹⁾:

Citation and commencement

1. These Regulations may be cited as the Licensing Act 2003 (Persistent Selling of Alcohol to Children) (Prescribed Form of Closure Notice) Regulations 2007 and come into force on 3rd May 2007.

Prescribed form

2. A closure notice given pursuant to section 169A of the Licensing Act 2003 (Closure notices for persistently selling alcohol to children) is to be in the form set out in the Schedule.

11th April 2007

Shaun Woodward
Parliamentary Under Secretary of State
Department for Culture, Media and Sport

(1) 2003 c. 17. Section 169A was inserted by section 24(1) of the Violent Crime Reduction Act 2006 (c. 38).

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SCHEDULE

Regulation 2

CLOSURE NOTICE FOR PERSISTENTLY SELLING ALCOHOL TO CHILDREN

Section 169A(2) of the Licensing Act 2003

This notice offers a period of closure as an alternative to criminal prosecution for an offence of repeatedly selling alcohol to underage persons. It is addressed to the person(s) (which may include a company etc) who hold the relevant premises licence for the premises concerned. A copy of this closure notice will be sent to the holder of the premises licence at the address for that person set out in the licence.

The premise licence holder(s) should read parts 10, 11, 12 and 13 of this notice with particular care as they contain information concerning their rights. If you have been handed this notice and are not the premises licence holder, you may wish to inform the premises licence holder(s) the this notice has been served.

1. Name and rank of the police officer (must hold the rank of superintendent or above) / name of the inspector of weights and measures [delete as appropriate] giving this closure notice											
2. Name of the police, community support or trading standards officer [delete as appropriate] serving this closure notice. (A closure notice may be served by being handed to a person on the premises who appears to have control of or responsibility for the premises and who need not be the premises licence holder).											
3. Date on which closure notice is given				D	D	M	M	Y	Y	Y	Y

Details of premises and premises licence holder(s)	
4. Address of premises in respect of which this notice is being given	
5. Premises Licence Reference number and issuing licensing authority	
6. Name of premises licence holder(s)	
7. Address of premises licence holder(s). (This is the address to which a copy of this closure notice will be sent)	

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8. Particulars of alleged offence under section 147A of the Licensing Act 2003, including:	
<ul style="list-style-type: none"> • particulars of unlawful sales made to persons under 18; • dates of the sales; and • the individuals making the sales (so far as known). 	
(Note: you can be liable for the offence if you were a premises licence holder at the time each unlawful sale took place on the premises)	
First unlawful sale:	
Second unlawful sale:	
Third unlawful sale:	

9. Proposed period (maximum 48 hours) during which sales of alcohol by retail are to be prohibited (commencing not less than 14 days after this closure notice was served):			
From	Time:	To	Time:
	Date:		Date:

10. Effect of accepting of the proposed prohibition (closure)
If you decide to accept the proposed closure (on how to do this, see part 12 below), all sales by retail of alcohol at the premises during the period specified in part 9 of this notice will be unauthorised. An unauthorised sale is a criminal offence (see section 136 of the Licensing Act 2003). A person guilty of an offence under that section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.
11. Right to elect to go to trial
You do not have to accept the proposed closure. As an alternative, you may elect to be tried in a court of law for the offence described in part 8 above. That right may be exercised by informing the officer named in part 14 in writing or by e-mail.
12. How to accept the proposed prohibition
In order to accept the proposed closure, <u>all</u> premises licence holder(s) should notify the officer named in part 14 of their decision in writing or by e-mail within 14 days of this notice being served. Failure to notify the officer named in part 14 of acceptance of the prohibition within 14 days will be taken as a decision to elect for trial for the alleged offence described in part 8.
13. Effect of a failure by one or more of the premises licence holders to accept the proposed prohibition
The right to be tried for the alleged offence described in part 8 of this closure notice will be taken to have been exercised unless every person who was a holder of the premises licence at the time this notice was given accepts the proposed prohibition.

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14. Name of the police officer or trading standards officer to whom notice exercising the option to accept the prohibition should be given, or election to go to trial must be sent, within 14 days
The address of the officer in part 14
E-mail address and telephone number of the officer in part 14

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the form of a closure notice given under section 169A of the Licensing Act 2003 (“the 2003 Act”).

A closure notice offers an alternative to prosecution under section 147A of the 2003 Act for persistently selling alcohol to children. That offence may be committed by the holder of a premises licence (a form of authorisation for alcohol sales under the 2003 Act) if on 3 or more occasions within 3 consecutive months alcohol is sold unlawfully to an individual aged under 18 on the premises to which the licence relates.

If he considers on the evidence that there is a realistic prospect of conviction of the licence holder for such an offence, a police officer (of the rank of superintendent or above), or an inspector of weights and measures may give a closure notice under s169A proposing that the premises concerned be ‘closed’ (that is, alcohol sales be prohibited) for a period of up to 48 hours beginning not less than 14 days after the date the closure notice is served.

If the closure notice is accepted by the premises licence holder (or if there is more than one, all of them), the prohibition on alcohol sales proposed in it takes effect, and no proceedings may subsequently be brought against the holder or holders for the alleged s147A offence or any related offence (see section 169B(3) and (5) of the 2003 Act). If the closure notice is not accepted by all relevant licence holders they may be liable for prosecution for the s147A offence in the usual way.

Sections 147A and 169A and 169B were inserted into the 2003 Act by the Violent Crime Reduction Act 2006 (c. 38).

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