
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).