

**EXPLANATORY MEMORANDUM TO
THE LICENSING ACT 2003 (AMENDMENT OF SCHEDULE 4) ORDER 2007**

2007 No. 2075

1. This explanatory memorandum has been prepared by the Department for Culture, Media and Sport and is laid before Parliament by Command of Her Majesty.
2. **Description**
 - 2.1 This Order removes the effect of a paragraph numbering error in paragraph 34 of Schedule 1 to the Fraud Act 2006 (c. 35). Paragraph 34 inserted, with effect from 15th January 2007, a new paragraph 21 into Schedule 4 (Personal licence: relevant offences) to the Licensing Act 2003 (c. 17). However, paragraph 20(4) of Schedule 16 to the Gambling Act 2005 (c. 19), which is intended to come into force on 1st September 2007, will from that date insert a different paragraph into Schedule 4, also numbered 21. The effect of this Order is to renumber the latter of the two Schedule 4 paragraphs (the one inserted by the Fraud Act) as 22 rather than 21.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 This Order corrects a paragraph numbering error (described above) in a consequential amendment made to Schedule 4 to the Licensing Act 2003 by paragraph 34 of Schedule 1 to the Fraud Act 2006. That Act and the Gambling Act 2005 each contains a consequential amendment inserting a paragraph numbered 21 into Schedule 4 to the 2003 Act. The amendment in the Gambling Act was passed before, but is to be commenced after, the amendment in the Fraud Act. Immediately after the Gambling Act amendment takes effect, this instrument will renumber the paragraph inserted into Schedule 4 by the Fraud Act as paragraph 22. As both amendments are expressed to insert the relevant text after paragraph 20, it is the Fraud Act amendment that will appear as the latter of the two paragraphs.
4. **Legislative Background**
 - 4.1 Section 113(2) of the Licensing Act 2003 empowers the Secretary of State to amend by order the list of “relevant offences” in Schedule 4 to that Act. In accordance with section 197(3) of the 2003 Act, an order under section 113(2) is subject to the negative resolution procedure.
 - 4.2 A person who is convicted of a “relevant offence” is disqualified from the automatic grant of a personal licence under Part 6 of the 2003 Act. In those circumstances the police may give the licensing authority an objection notice, following which the authority may reject the application for a personal licence if they consider it necessary to do so in order to promote the crime prevention objective in section 4(2) of the Act. A person who is convicted of a relevant offence whilst his application for a personal licence is pending is required to

notify the licensing authority of the conviction, and such convictions coming to the authority's attention after the grant of a personal licence may lead to the licence being revoked, following a hearing. A court may order the forfeiture of a personal licence upon conviction of the holder for a relevant offence.

4.3. This Order corrects a paragraph numbering error in Schedule 4, and has no substantive consequences.

5. Extent

5.1 This Order extends to England and Wales.

6. European Convention on Human Rights

6.1 As the Order is subject to negative resolution procedure and does not amend primary legislation, no statement is required. In any event, the Order's effect is purely technical.

7. Policy background

7.1 None.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this Order as it has no impact on business, charities or voluntary bodies.

9. Contact

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