

2023 No. 990

LICENCES AND LICENSING, ENGLAND AND WALES

**The Alcohol Licensing (Coronavirus) (Regulatory Easements)
(Amendment) Regulations 2023**

Approved by both Houses of Parliament

Made - - - -at 3.40 p.m. on 11th September 2023

Laid before Parliament at 4.55 p.m. on 11th September 2023

Coming into force - - - -28th September 2023

The Secretary of State makes these Regulations in exercise of the powers conferred by section 11(14) of the Business and Planning Act 2020(a).

The Secretary of State considers it reasonable to substitute the date specified in section 172F(10)(d)(i) of the Licensing Act 2003(b), as that Act has effect by virtue of section 11(2) of the Business and Planning Act 2020(c), and the date specified in section 11(13) of the Business and Planning Act 2020(d), with a later date in order to mitigate an effect of coronavirus(e).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Alcohol Licensing (Coronavirus) (Regulatory Easements) (Amendment) Regulations 2023.

(2) These Regulations come into force on 28th September 2023.

(3) These Regulations extend to England and Wales only.

Modification of premises licences to authorise off-sales for limited period: temporary extension

2.—(1) In section 11(13) of the Business and Planning Act 2020 (modification of premises licences to authorise off-sales for limited period: expiry date)(f), for “30 September 2023” substitute “31 March 2025”.

(2) In section 172F(10)(d)(i) of the Licensing Act 2003 (authorisation of off-sales for limited period)(g), as that Act has effect by virtue of section 11(2) of the Business and Planning Act 2020, for “30 September 2023” substitute “31 March 2025”.

(a) 2020 c. 16.

(b) 2003 c. 17.

(c) Section 11(2) of the Business and Planning Act 2020 modifies Part 9 of the Licensing Act 2003 so that it has effect as if, after section 172E, there were inserted sections 172F to 172L, for a limited period.

(d) The date specified in those sections is 30 September 2023 pursuant to S.I. 2022/978.

(e) “Coronavirus” has the meaning given by section 11(15) of the Business and Planning Act 2020.

(f) Section 11(13) was amended by S.I. 2021/1049 and S.I. 2022/978.

(g) Section 172F(10)(d)(i) was amended by S.I. 2021/1049 and S.I. 2022/978.

At 3.40 p.m. on 11th September 2023

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend section 172F(10)(d)(i) of the Licensing Act 2003 (c. 17) (“the 2003 Act”) and section 11(13) of the Business and Planning Act 2020 (c. 16). Section 11 makes temporary modifications to the 2003 Act and specifies that these modifications expire on 30 September 2023.

The modifications provide automatic extensions of premises licences that only permit sales of alcohol for consumption on the premises (“on-sales”) to allow sales of alcohol for consumption off the premises (“off-sales”). They also apply temporary conditions to licences where there is a pre-existing permission for off-sales, to enable those premises to operate in the same ways as those granted the new permission, and provide for off-sales reviews to take place on grounds which are relevant to one or more of the licensing objectives. The licensing objectives are set out in section 4 of the 2003 Act.

Regulation 2 extends the application of the modifications for a period of 18 months, from 30 September 2023 to 31 March 2025. The expiry date was changed to 30 September 2023 from 30 September 2022 by S.I. 2022/978. Prior to that, S.I. 2021/1049 had changed the expiry date to 30 September 2022.

The amendments are made to mitigate the effects of the coronavirus pandemic.

An impact assessment on extending regulatory easements for off-sales for 18 months has not been completed. However, a full impact assessment of the effect that making the regulatory easements for off-sales permanent would have on the costs of business and the voluntary sector and community bodies has previously been produced and is available alongside this instrument on www.legislation.gov.uk and is also available from the Alcohol Policy Team, Home Office, 2 Marsham Street, London, SW1P 4DF.

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