

EXPLANATORY NOTES

LICENSING ACT 2003

INTRODUCTION

SUMMARY AND BACKGROUND

THE ACT

COMMENTARY ON SECTIONS

General

Section 1 – Licensable activities and qualifying club activities

Section 2 - Authorisation for licensable activities and qualifying club activities

General

Section 3 - Licensing authorities

Section 4 - General duties of licensing authorities

Section 5 - Statement of licensing policy

Section 6 - Licensing Committee

Section 7 - Exercise and delegation of functions

Section 8 - Requirement to keep a register

Section 9 - Proceedings of licensing committee

Section 10 - Sub-delegation of functions by licensing committee

General

Section 11 - Premises licence

Section 12 - The relevant licensing authority

Section 13 - Authorised persons, interested parties and responsible authorities

Section 14 – Meaning of ‘supply of alcohol’

Section 15 – Meaning of ‘designated premises supervisor’

Section 16 – Applicant for premises licence

These notes refer to the Licensing Act 2003 (c.17)

- Section 17 - Application for a premises licence
- Section 18 – Determination of application for premises licence
- Section 19 - Mandatory conditions where licence authorises supply of alcohol
- Section 20 – Mandatory condition: exhibition of films
- Section 21 – Mandatory condition: door supervision
- Section 22 – Prohibited conditions: plays
- Section 23 – Grant or rejection of application
- Section 24 – Form of licence and summary
- Section 25 - Theft, loss, of premises licence or summary
- Section 26 – Period of validity of premises licence
- Section 27 – Death, incapacity, insolvency of licence holder
- Section 28 – Surrender of premises licence
- Section 29 – Application for a provisional statement where premises being built,
- Section 30 – Advertisement of application for provisional statement
- Section 31 – Determination of application for provisional statement
- Section 32 – Restriction on making representations following provisional statement
- Section 33 – Notification of change of name or address.
- Section 34 - Application to vary premises licence
- Section 35 - Determination of application under section 34 and
- Section 36 - Supplementary provision about determinations under section 35
- Section 37 – Application to vary licence to specify individual as premises supervisor
- Section 38 – Circumstances in which section 37 application given interim effect
- Section 39 – Determination of section 37 application
- Section 40 – Duty of applicant following determination under section 39
- Section 41 – Request to be removed as designated premises supervisor
- Section 42 – Application for transfer of premises licence
- Section 43 – Circumstances in which transfer application given interim effect
- Section 44 – Determination of transfer application

These notes refer to the Licensing Act 2003 (c.17)

Section 45 – Notification of determination under section 44

Section 46 – Duty to notify designated premises supervisor of transfer

Section 47 – Interim authority notice following death of licence holder

Section 48 – Cancellation of interim authority notice following police objections

Section 49 – Supplementary provision about interim authority notice

Section 50 – Reinstatement of licence on transfer following death of holder

Section 51 – Application for review of premises licence

Section 52 – Determination of application for review

Section 53 – Supplementary provision about review

Section 54 – Form etc of applications and notices under Part 3

Section 55 – Fees

Section 56 – Licensing authority's duty to update licence document

Section 57 – Duty to keep and produce licence

Section 58 – Provision supplementary to section 57

Section 59 – Inspection of premises before grant of licence,

PART 4:

General

Section 60 – Club premises certificate

Section 61 – Qualifying clubs

Section 62 – The general conditions

Section 63 – Determining whether a club is established and conducted in good faith

Section 64 – The additional conditions for the supply of alcohol

Section 65 – Industrial and provident societies, friendly societies,

Section 66 – Miners' welfare institutes

Section 67 – Associate members and their guests

Section 68 – The relevant licensing authority

Section 69 – Authorised persons, interested parties and responsible authorities

Section 70 – Other definitions relating to clubs

Section 71 – Application for club premises certificate

These notes refer to the Licensing Act 2003 (c.17)

- Section 72 – Determination of application for club premises certificate
- Section 73 – Certificate authorising supply of alcohol for consumption off the premises
- Section 74 – Mandatory condition: exhibition of films
- Section 75– Prohibited conditions: associate members and their guests
- Section 76– Prohibited conditions: plays
- Section 77 – Grant or rejection of application for club premises certificate
- Section 78 - Form of certificate and summary
- Section 79 – Theft, loss of certificate or summary
- Section 80 – Period of validity of club premises certificate
- Section 81 - Surrender of club premises certificate
- Section 82 – Notification of change of name or alteration of rules of club
- Section 83 – Change of relevant registered address of a club
- Section 84 – Application to vary club premises certificate
- Section 85 – Determination of application under section 84 and
- Section 86 – Supplementary provision about applications under section 84
- Section 87 – Application for review of club premises certificate
- Section 88 – Determination of application for review and
- Section 89 – Supplementary provision about review
- Section 90 – Club ceasing to be a qualifying club
- Section 91 – Form etc. of applications and notices under Part 4
- Section 92 – Fees
- Section 93 – Duty to provide licensing authority with club premises certificate
- Section 94 - Duty to keep and produce certificate
- Section 95 - Provision supplementary to section 94
- Section 96 - Inspection of premises before grant of certificate
- Section 97 - Other powers of entry and search
- Section 98 – Meaning of ‘permitted temporary activity’
- Section 99– The relevant licensing authority
- Section 100 – Temporary event notice

These notes refer to the Licensing Act 2003 (c.17)

- Section 101 – Minimum of 24 hours between event periods
- Section 102 – Acknowledgement of notice
- Section 103– Withdrawal of notice
- Section 104 – Objection to notice by police
- Section 105 - Counter notice following police objection and
- Section 106 - Modification of notice following police objection
- Section 107 - Counter notice where permitted limits exceeded
- Section 108 – Right of entry where temporary event notice given and
- Section 109 – Duty to keep and produce temporary event notice
- Section 110 – Theft, loss of temporary event notice
- Section 111 – Personal licence
- Section 112 – The relevant licensing authority
- Section 113 – Meaning of “relevant offence” and “foreign offence”
- Section 114 – Spent convictions
- Section 115 – Period of validity of personal licence and
- Section 116 – Surrender of personal licence
- Section 117 – Application for grant or renewal of personal licence
- Section 118 – Individual permitted to hold only one personal licence
- Section 119 – Licence continued pending renewal
- Section 120 – Determination of application for grant
- Section 121 – Determination of application for renewal
- Section 122 – Notification of determinations
- Section 123 – Duty to notify licensing authority of convictions during application period
- Section 124 – Convictions coming to light after grant or renewal
- Section 125 – Form of personal licence
- Section 126 – Theft, loss, of personal licence
- Section 127 – Duty to notify change of name or address
- Section 128 – Duty to notify court of personal licence

These notes refer to the Licensing Act 2003 (c.17)

- Section 129 – Forfeiture or suspension of licence on conviction for relevant offence
- Section 130 – Powers of appellate court to suspend order under section 129
- Section 131 – Court’s duty to notify licensing authority of convictions
- Section 132 – Licence holder’s duty to notify licensing authority of convictions
- Section 133 – Form etc. of applications and notices under Part 6
- Section 134 – Licensing authority’s duty to update licence document
- Section 135 – Licence holder’s duty to produce licence
- Section 136 – Unauthorised licensable activities
- Section 137 – Exposing alcohol for unauthorised sale
- Section 138 – Keeping alcohol on premises for unauthorised sale
- Section 139 - Defence of due diligence
- Section 140 – Allowing disorderly conduct on licensed premises
- Section 141 – Sale of alcohol to a person who is drunk
- Section 142 – Obtaining alcohol for a person who is drunk
- Section 143– Failure to leave licensed premises
- Section 144 – Keeping of smuggled goods
- Section 145 – Unaccompanied children prohibited from certain premises.
- Section 146 – Sale of alcohol to children
- Section 147 – Allowing sale of alcohol to children
- Section 148 – Sale of liqueur confectionery to children under 16
- Section 149 – Purchase of alcohol by or on behalf of children
- Section 150 – Consumption of alcohol by children
- Section 151 – Delivering alcohol to children
- Section 152 – Sending a child to obtain alcohol
- Section 153 – Prohibition of unsupervised sales by children
- Section 154 – Enforcement role for weights and measures authorities
- Section 155 – Confiscation of sealed containers for alcohol
- Section 156 – Prohibition of sale of alcohol on moving vehicles
- Section 157 – Power to prohibit sale of alcohol on trains

Section 158 – False statements made for the purposes of this Act

General

Section 160 – Order to close premises in an area experiencing disorder

Section 161 – Closure order for identified premises

Section 162 – Extension of closure order

Section 163 – Cancellation of closure order

Section 164 – Application to magistrates' court by police

Section 165 – Consideration of closure order by magistrates' court

Section 166 – Appeal from decision of magistrates' court

Section 167 – Review of premises licence following closure order

Section 168 – Provision about decisions under section 167

Section 171 – Interpretation of Part 8

PART 9: MISCELLANEOUS AND SUPPLEMENTARY

General

Section 172 – Relaxation of opening hours for special occasions

Section 173 – Activities in certain locations not licensable

Section 174 – Certifying premises on grounds of national security

Section 175 – Exemption for raffle, tombola

Section 176 – Prohibition of alcohol sales at service areas, garages

Section 177 – Dancing and live music in certain small premises

Section 178 – Right of freeholder to be notified of licensing matters

Section 179 – Rights of entry to investigate licensable activities

Section 180 - Right of entry to investigate offences

Section 181 – Appeals against decisions of licensing authorities

Section 182- Guidance

Section 183 - Hearings

Section 184 – Giving of notices,

Section 185 – Provision of information

Section 186 - Proceedings for offences

These notes refer to the Licensing Act 2003 (c.17)

Section 187 – Offences by bodies corporate

Section 188 – Jurisdiction and procedure in respect of offences

Section 189 - Vessels, vehicles and moveable structures

Section 190 - Location of sales

Section 191 – Meaning of “alcohol”

Section 192– Meaning of ‘sale by retail’

Section 195 – Crown application

Section 196 – Removal of privileges and exemptions

Section 197 - Regulations and orders

Section 198 – Minor and consequential amendments

Section 199 – Repeals

Section 200 – Transitional provisions

Section 201 – Short title, commencement and extent

Schedule 1 – Provision of regulated entertainment

Schedule 2 – Provision of late night refreshment

Schedule 3 – Matters to be entered in licensing register

Schedule 4 – Personal licence: relevant offences

Schedule 5 – Appeals

Schedule 6 – Minor and consequential amendments

Schedule 7- Repeals

Schedule 8 – Transitional provision

COMMENCEMENT

HANSARD REFERENCES