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STATUTORY INSTRUMENTS

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**2005 No. 40**

**The Licensing Act 2003 (Transitional provisions) Order 2005**

**PART 1**

**GENERAL**

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Licensing Act 2003 (Transitional provisions) Order 2005 and shall come into force on 7th February 2005.

(2) In this Order—

“the Act” means the Licensing Act 2003;

“alternative scale plan” means a plan in a scale other than the standard scale;

“fire and other safety equipment” includes fire extinguishers, fire doors, fire alarms and other similar equipment;

“person of standing in the community” includes a bank or building society official, a police officer, a civil servant or a minister of religion;

“Schedule 8” means Schedule 8 to the Act;

“specified fee” in relation to an application, shall be the fee for such application calculated in accordance with an order made by the Secretary of State under paragraph 2(5)(b) or 14(4)(b) of Schedule 8 as the case may require;

“standard scale” means that 1 millimetre represents 100 millimetres.

**Application for conversion of existing licence in respect of premises under paragraph 2 of Schedule 8**

2.—(1) An application under paragraph 2 of Schedule 8 shall be in the form and (in addition to the information specified in paragraph 2(4)(a) of Schedule 8) shall contain the information set out in Part A of Schedule 1 to this Order and shall be accompanied by the specified fee.

(2) Where a person making an application in accordance with paragraph (1) in pursuance of paragraph 7(1) of Schedule 8 at the same time makes an application under section 34 or 37 of the Act, Part B of Schedule 1 to this Order incorporates the form of application for such purposes.

(3) Where paragraph 2(4)(b) of Schedule 8 applies (any relevant existing licence authorises the supply of alcohol), the application must state the name and address of the person whom the applicant wishes to be the premises supervisor.

(4) The form of consent which, in accordance with paragraphs 2(5)(a) and (6)(d) of Schedule 8, must (where applicable) accompany the application shall be in the form specified in Schedule 2 to this Order.

(5) The form of consent which, in accordance with paragraphs 2(5)(a) and (6)(e) of Schedule 8, must (where applicable) accompany the application shall be in the form specified in Schedule 3 to this Order.

3.—(1) The plan of the premises which, in accordance with paragraphs 2(5)(a) and (6)(b) of Schedule 8, must accompany the application shall comply with the remaining paragraphs of this article.

(2) Unless the relevant licensing authority has previously agreed in writing with the applicant following a request by the applicant that an alternative scale plan is acceptable to it, in which case the plan shall be drawn to that alternative scale, the plan shall be drawn in standard scale.

(3) The plan shall show—

- (a) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
- (b) the location of points of access to and egress from the premises;
- (c) if different from paragraph (3)(b), the location of escape routes from the premises;
- (d) in a case where the premises is used for more than one existing licensable activity, the area within the premises used for each activity;
- (e) in a case where an existing licensable activity relates to the supply of alcohol, the location or locations on the premises which is or are used for consumption of alcohol;
- (f) fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
- (g) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- (h) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- (i) in a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- (j) the location and type of any fire safety and any other safety equipment; and
- (k) the location of a kitchen, if any, on the premises.

(4) The plan may include a legend through which the matters mentioned or referred to in paragraph (3) are sufficiently illustrated by the use of symbols on the plan.

#### **Enactments specified under paragraph 6(8) of Schedule 8**

4. The following enactments are specified under paragraph 6(8) of Schedule 8 for the purposes of Part 1 of Schedule 8, namely—

- (a) Children and Young Persons Act 1933<sup>(1)</sup>;
- (b) Cinematograph (Safety) Regulations 1955<sup>(2)</sup>;
- (c) Licensing Act 1964<sup>(3)</sup>;
- (d) Sporting Events (Control of Alcohol Etc) Act 1985<sup>(4)</sup>.

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(1) 1933 c. 12.  
(2) S.I 1955/1129.  
(3) 1964 c. 26.  
(4) 1985 c. 57.

### **Specified periods during which particular provisions apply to an application for the grant of a premises licence**

5. The period specified for the purposes of paragraph 11(1)(a) of Schedule 8 (special provision about opening hours where the holder of a justices' licence applies for the grant of a premises licence) shall be the period commencing on 7th February 2005 and ending on the second appointed day<sup>(5)</sup>.

6. The period specified for the purposes of paragraph 12(1)(a) of Schedule 8 (special provision about an application for the grant of a premises licence where a provisional grant of a justices' licence has been made) shall be the period commencing on 7th February 2005 and ending on the day which is the first anniversary of the second appointed day.

### **Application for conversion of existing club certificate under paragraph 14 of Schedule 8**

7.—(1) An application under paragraph 14 of Schedule 8 shall be in the form and (in addition to the information specified in paragraph 14(3) of Schedule 8) shall contain the information set out in Part A of Schedule 4 to this Order and shall be accompanied by the specified fee.

(2) Where a club making an application in accordance with paragraph (1) in pursuance of paragraph 19(1) of Schedule 8 at the same time makes an application under section 84 of the Act, Part B of Schedule 4 to this Order incorporates the form of application for such purposes.

(3) The other document which, in accordance with paragraph 14(4)(a) and (5)(c) of Schedule 8, must accompany the application is a copy of the rules of the club.

8.—(1) The plan of the premises which, in accordance with paragraphs 14(4)(a) and (5)(b) of Schedule 8, must accompany the application shall comply with the remaining paragraphs of this article.

(2) Unless the relevant licensing authority has previously agreed in writing with the club following a request by the club that an alternative scale plan is acceptable to it, in which case the plan shall be drawn to that alternative scale, the plan shall be drawn in standard scale.

(3) The plan shall show—

- (a) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
- (b) the location of points of access to and egress from the premises;
- (c) if different from paragraph (3)(b), the location of escape routes from the premises;
- (d) in a case where the premises is used for more than one existing qualifying club activity, the area within the premises used for each activity;
- (e) in a case where the existing qualifying club activity relates to the supply of alcohol, the location or locations on the premises which is or are used for consumption of alcohol;
- (f) fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exit or escape routes without impediment;
- (g) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- (h) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- (i) in a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;

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(5) paragraph 1(1) of Schedule 8 to 2003 c. 17 contains a definition of “second appointed day”.

- (j) the location and type of any fire safety and any other safety equipment; and
- (k) the location of a kitchen, if any, on the premises.

(4) The plan may include a legend through which the matters mentioned or referred to in paragraph (3) are sufficiently illustrated by the use of symbols on the plan.

**Enactments specified under paragraph 18(5) of Schedule 8**

9. The following enactments are specified under paragraph 18(5) of Schedule 8 for the purposes of Part 2 of Schedule 8, namely—

- (a) Children and Young Persons Act 1933;
- (b) Cinematograph (Safety) Regulations 1955;
- (c) Licensing Act 1964;
- (d) Sporting Events (Control of Alcohol Etc) Act 1985.

**Photograph of the applicant accompanying the application for the grant of a personal licence**

10. The photograph of the applicant which, in accordance with paragraphs 23(1)(b) and (3)(b) of Schedule 8, must accompany the application for the grant of a personal licence shall be—

- (a) taken against a light background so that the applicant's features are distinguishable and contrast against the background,
- (b) 45 millimetres by 35 millimetres,
- (c) full face uncovered and without sunglasses and, unless the applicant wears a head covering due to his religious beliefs, without a head covering,
- (d) on photographic paper, and
- (e) endorsed, as referred to in paragraph 23(3)(b) of Schedule 8, by—
  - (i) the chief executive of the licensing justices for the relevant licensing authority,
  - (ii) a solicitor or notary,
  - (iii) a person of standing in the community; or
  - (iv) an individual with a professional qualification.

**Provision of forms etc.**

11. The relevant licensing authority—

- (a) must provide on request the forms listed in the Schedules printed on paper; or
- (b) in a case where the relevant licensing authority maintains a website, it may provide electronic copies of the forms listed in the Schedules on its website.

**Validity of forms etc.**

12. A relevant licensing authority shall not reject any application or other document by reason only of the fact that it is given on a form provided otherwise than from the relevant licensing authority but which complies with the requirements of this Order.