

Draft Order laid before Parliament under section 197(4) of the Licensing Act 2003, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No.

LICENCES AND LICENSING

**The Licensing Act 2003 (Mandatory Licensing
Conditions) (Amendment) Order 2014**

Made - - - - 2014
Coming into force - - 1st October 2014

The Secretary of State in exercise of the powers conferred by sections 19A, 73B and 197(2) of the Licensing Act 2003(1) makes the following Order.

In accordance with section 197(4)(2) of that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

In accordance with sections 19A(1) and 73B(1) of that Act, the Secretary of State considers it appropriate for the promotion of the licensing objectives to specify the conditions set out in this Order.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 and comes into force on 1st October 2014.

(2) In this Order “the 2010 Order” means the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010(3).

Amendment of the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

2.—(1) The 2010 Order is amended in accordance with paragraphs (2) and (3).

(2) In article 3(3) for “1 to 3 and 5” substitute “1, 2 and 4”.

(3) For the Schedule substitute the Schedule set out in the Schedule to this Order.

(1) 2003 c. 17; sections 19A and 73B were inserted by paragraphs 2 and 4 respectively of Schedule 4 to the Policing and Crime Act 2009 (c. 26).
(2) Section 197(4) was amended by paragraphs 29 and 44 of Schedule 7 to the Policing and Crime Act 2009.
(3) S.I. 2010/860.

Saving provision: irresponsible promotions

3.—(1) Notwithstanding the substitution of the Schedule to the 2010 Order by article 2 of this Order, paragraph 1(2)(b) of the Schedule to the 2010 Order as in force immediately before the coming into force of this Order shall continue to have effect in relation to a relevant activity.

(2) In this article, “relevant activity” means an activity which—

- (a) is not prohibited by paragraph 1(2)(b) of the Schedule to the 2010 Order as in force immediately before the coming into force of this Order only by virtue of it being available to an individual in respect of alcohol for consumption at a table meal as defined in section 159 of the Licensing Act 2003,
- (b) is available only to an individual who holds a ticket or other written invitation in respect of that activity which was purchased by, or given to, that individual on or before 30th September 2014, and
- (c) takes place on or before 5th April 2015.

Home Office
Date

Name
Minister of State

SCHEDULE

Article 2

“SCHEDULE

Article 3

Mandatory Licensing Conditions

1.—(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.—(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

4. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;

- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

EXPLANATORY NOTE

(This note is not part of this Order)

Sections 19A and 73B of the Licensing Act 2003 (“the 2003 Act”) provide for the Secretary of State to prescribe by order up to nine mandatory conditions applicable to relevant premises licences and club premises certificates. Relevant premises licences and relevant club premises certificates are those authorising the supply of alcohol to the public in licensed premises or to members or guests of clubs in club premises.

This Order amends the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 (“the 2010 Order”).

The Schedule to this Order sets out the four mandatory conditions which apply to relevant premises licences and club premises certificates from the date of coming into force of the Order as provided in article 1. The conditions apply to all relevant premises licences and all relevant club premises certificates authorising consumption of alcohol on the premises, with the exception of the condition in paragraph 3 of the Schedule, requiring an age verification policy to be adopted, which applies in addition to licences and certificates which permit the supply of alcohol only for consumption off the premises.

Article 3 makes provision to the effect that an activity which is not prohibited by paragraph 1(2)(b) of the Schedule to the 2010 Order, as it was in force immediately before the coming into force of this Order, because it related to alcohol consumed at a table meal (as defined in section 159 of the 2003 Act), will continue not to be prohibited provided certain conditions are met; these are that the activity is available only to an individual who holds a ticket or other written invitation in respect of that activity which was purchased by, or given to, that individual on or before 30th September 2014, and the activity takes place on or before 5th April 2015.

A full regulatory impact assessment on the effect of this instrument is annexed to the Explanatory Memorandum which is available alongside this instrument on www.legislation.gov.uk.