
DRAFT STATUTORY INSTRUMENTS

2014 No.

The Legislative Reform (Entertainment Licensing) Order 2014

Amendments to Part 2 of Schedule 1 to the Licensing Act 2003

3.—(1) Part 2 of Schedule 1 to the Act (provision of regulated entertainment: exemptions) is amended as follows.

(2) In paragraph 7(1)—

- (a) in the heading, after “Music” insert “and film”; and
- (b) for “or the playing of recorded music” substitute “, the playing of recorded music or the exhibition of a film”.

(3) After paragraph 12, insert—

“Entertainment provided by health care providers, local authorities and school proprietors

12ZA.—(1) The provision of any entertainment by or on behalf of a health care provider, local authority or school proprietor is not to be regarded as the provision of regulated entertainment for the purposes of this Act if the conditions in sub-paragraphs (2) to (5) are satisfied.

(2) The first condition is that the entertainment takes place—

- (a) if it is provided by or on behalf of a health care provider, on any premises forming part of a hospital—
 - (i) in which that provider has a relevant property interest, or
 - (ii) which are lawfully occupied by that provider,
- (b) if it is provided by or on behalf of a local authority, on any premises in which that authority has a relevant property interest or which are lawfully occupied by that authority, and
- (c) if it is provided by or on behalf of a school proprietor, on the premises of the school.

(3) The second condition is that the premises are not domestic premises.

(4) The third condition is that the entertainment takes place between 8am and 11pm on the same day (or, where an order under section 172 has effect in relation to that entertainment, during any times specified under that order).

(5) The fourth condition is that the entertainment is not relevant entertainment within the meaning of paragraph 2A(2) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982(2) (meaning of “sexual entertainment venue”).

(6) For the purposes of this paragraph, a person has a relevant property interest in premises if that person—

(1) Paragraph 7 was substituted by the Live Music Act 2012 (c. 2), section 2(1) and (9).

(2) 1982 c. 30; paragraph 2A was added by the Policing and Crime Act 2009 (c. 26), section 27(1) and (3).

- (a) is for the time being entitled to dispose of the fee simple in the premises, whether in possession or in reversion, or
- (b) holds or is entitled to the rents and profits of the premises under a lease which (when granted) was for a term of not less than 3 years.

(7) In sub-paragraph (3), “domestic premises” means premises occupied as a private dwelling, including any garden, yard, garage, outhouse or other appurtenance of such premises whether or not used in common by the occupants of more than one such dwelling.

Music at community premises etc.

12ZB.—(1) The provision of entertainment consisting of one or both of the following is not to be regarded as the provision of regulated entertainment for the purposes of this Act if the conditions in sub-paragraphs (2) to (6) are satisfied—

- (a) a performance of live music;
- (b) the playing of recorded music.

(2) The first condition is that the entertainment takes place at—

- (a) community premises⁽³⁾ that are not authorised, by a premises licence or club premises certificate, to be used for the supply of alcohol for consumption on the premises,
- (b) the premises of a hospital,
- (c) premises in which a local authority has a relevant property interest or which are lawfully occupied by a local authority, or
- (d) the premises of a school.

(3) The second condition is that the premises are not domestic premises (within the meaning of paragraph 12ZA(7)).

(4) The third condition is that the entertainment takes place in the presence of an audience of no more than 500 persons.

(5) The fourth condition is that the entertainment takes place between 8am and 11pm on the same day (or, where an order under section 172 has effect in relation to that entertainment, during any times specified under that order).

(6) The fifth condition is that a person concerned in the organisation or management of the entertainment has obtained the prior written consent of a relevant person for the entertainment to take place.

(7) In sub-paragraph (6), “relevant person” means—

- (a) where the entertainment takes place at community premises—
 - (i) the management committee⁽⁴⁾ of the premises, or
 - (ii) if there is no management committee, a person who has control of the premises (as occupier or otherwise) in connection with the carrying on by that person of a trade, business or other undertaking (for profit or not) or (in the absence of such a person) a person with a relevant property interest in the premises;
- (b) where the entertainment takes place at the premises of a hospital, a health care provider which has a relevant property interest in or lawfully occupies those premises;

(3) The definition of “community premises” was added to section 193 of the Act by the Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls &c.) Order 2009 (S.I. 2009/1724), articles 2 and 6(1)(a).

(4) The definition of “management committee” was added to section 193 of the Act by the Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls &c.) Order 2009 (S.I. 2009/1724), articles 2 and 6(1)(b).

- (c) where the entertainment takes place at premises in which a local authority has a relevant property interest or which are lawfully occupied by a local authority, that authority;
 - (d) where the entertainment takes place at the premises of a school, the school proprietor.
- (8) Paragraph 12ZA(6) (meaning of “relevant property interest”) applies for the purposes of this paragraph as it applies for the purposes of paragraph 12ZA.”.
- (4) For paragraph 12A (live music in licensed venues)(5) substitute—

“Music in licensed venues

- 12A.**—(1) The provision of entertainment consisting of one or both of the following is not to be regarded as the provision of regulated entertainment for the purposes of this Act if the conditions in sub-paragraph (2) are satisfied—
- (a) a performance of live music;
 - (b) the playing of recorded music.
- (2) The conditions referred to in sub-paragraph (1) are that—
- (a) the requirements of section 177A(1) are satisfied, and
 - (b) conditions are not included in the premises licence or club premises certificate referred to in section 177A(1)(a) by virtue of section 177A(3) or (4).(6)
- (5) In paragraph 12B(b) (live music in workplaces)(7) for “200” substitute “500”.
- (6) After paragraph 12C (live unamplified music)(8) insert—

“Circuses

- 12D.**—(1) The provision of any entertainment that consists of or forms part of a performance by a travelling circus is not to be regarded as the provision of regulated entertainment for the purposes of this Act if the conditions in sub-paragraphs (2) to (5) are satisfied.
- (2) The first condition is that the entertainment is not of a description falling within paragraph 2(1)(b) (exhibition of a film) or paragraph 2(1)(d) (boxing or wrestling entertainment).
- (3) The second condition is that the entertainment takes place between 8am and 11pm on the same day.
- (4) The third condition is that—
- (a) the entertainment takes place wholly within a moveable structure, and
 - (b) the audience present is accommodated wholly inside that moveable structure.
- (5) The fourth condition is that the travelling circus has not been located on the same site for more than 28 consecutive days.
- (6) In this paragraph, “travelling circus” means a circus which travels from site to site for the purpose of giving performances.

(5) Paragraph 12A was added by the Live Music Act 2012 (c. 2), section 3(3).

(6) Section 177A was added by the Live Music Act 2012, section 1(2).

(7) Paragraph 12B was added by the Live Music Act 2012, section 3(1) and (4).

(8) Paragraph 12C was added by the Live Music Act 2012, section 3(1) and (5).

Boxing or wrestling entertainment: certain forms of wrestling

12E. The provision of entertainment consisting of a boxing or wrestling entertainment is not to be regarded as the provision of regulated entertainment for the purposes of this Act if—

- (a) it is a contest, exhibition or display of Greco-Roman wrestling, or of freestyle wrestling, between two participants (regardless of their sex),
- (b) it takes place in the presence of no more than 1000 spectators,
- (c) it takes place between 8am and 11pm on the same day,
- (d) it takes place wholly inside a building, and
- (e) the spectators present at that entertainment are accommodated wholly inside that building.”.