



# Licensing Act 2003

## CHAPTER 17

### LICENSING ACT 2003

#### PART 1

##### LICENSABLE ACTIVITIES

- 1 Licensable activities and qualifying club activities
- 2 Authorisation for licensable activities and qualifying club activities

#### PART 2

##### LICENSING AUTHORITIES

###### *The authorities*

- 3 Licensing authorities

###### *Functions of licensing authorities etc.*

- 4 General duties of licensing authorities
- 5 Statement of licensing policy
- 6 Licensing committees
- 7 Exercise and delegation of functions
- 8 Requirement to keep a register

###### *Licensing committees*

- 9 Proceedings of licensing committee
- 10 Sub-delegation of functions by licensing committee etc.

#### PART 3

##### PREMISES LICENCES

*Status: Point in time view as at 01/09/2007.*

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### *Introductory*

- 11 Premises licence
- 12 The relevant licensing authority
- 13 Authorised persons, interested parties and responsible authorities
- 14 Meaning of “supply of alcohol”
- 15 Meaning of “designated premises supervisor”

### *Grant of premises licence*

- 16 Applicant for premises licence
- 17 Application for premises licence
- 18 Determination of application for premises licence
- 19 Mandatory conditions where licence authorises supply of alcohol
- 19A Power of Secretary of State to impose section 19(4) mandatory conditions
- 20 Mandatory condition: exhibition of films
- 21 Mandatory condition: door supervision
- 22 Prohibited conditions: plays
- 23 Grant or rejection of application
- 24 Form of licence and summary
- 25 Theft, loss, etc. of premises licence or summary
- 25A Grant of premises licence: supply of alcohol from community premises

### *Duration of licence*

- 26 Period of validity of premises licence
- 27 Death, incapacity, insolvency etc. of licence holder
- 28 Surrender of premises licence

### *Provisional statement*

- 29 Application for a provisional statement where premises being built, etc.
- 30 Advertisement of application for provisional statement
- 31 Determination of application for provisional statement
- 32 Restriction on representations following provisional statement

### *Duty to notify certain changes*

- 33 Notification of change of name or address

### *Variation of licences*

- 34 Application to vary premises licence
- 35 Determination of application under section 34
- 36 Supplementary provision about determinations under section 35
- 37 Application to vary licence to specify individual as premises supervisor
- 38 Circumstances in which section 37 application given interim effect
- 39 Determination of section 37 application
- 40 Duty of applicant following determination under section 39
- 41 Request to be removed as designated premises supervisor

### *Variation of licences: minor variations*

- 41A Application for minor variation of premises licence
- 41B Determination of application under section 41A

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- 41C Supplementary provision about determinations under section 41B
- 41D Variation of premises licence: supply of alcohol from community premises

*Transfer of premises licence*

- 42 Application for transfer of premises licence
- 43 Circumstances in which transfer application given interim effect
- 44 Determination of transfer application
- 45 Notification of determination under section 44
- 46 Duty to notify designated premises supervisor of transfer

*Interim authority notices*

- 47 Interim authority notice following death etc. of licence holder
- 48 Cancellation of interim authority notice following police objections
- 49 Supplementary provision about interim authority notices

*Transfer following death etc. of licence holder*

- 50 Reinstatement of licence on transfer following death etc. of holder

*Review of licences*

- 51 Application for review of premises licence
- 52 Determination of application for review
- 52A Review: supply of alcohol from community premises
- 53 Supplementary provision about review

*Summary reviews in serious cases of crime or disorder*

- 53A Summary reviews on application of senior police officer
- 53B Interim steps pending review
- 53C Review of premises licence following review notice

*General provision*

- 54 Form etc. of applications and notices under Part 3
- 55 Fees

*Production of licence, rights of entry, etc.*

- 56 Licensing authority's duty to update licence document
- 57 Duty to keep and produce licence
- 58 Provision supplementary to section 57
- 59 Inspection of premises before grant of licence etc.

**PART 4**

**CLUBS**

*Introductory*

- 60 Club premises certificate

*Qualifying clubs*

- 61 Qualifying clubs

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- 62 The general conditions
- 63 Determining whether a club is established and conducted in good faith
- 64 The additional conditions for the supply of alcohol
- 65 Industrial and provident societies, friendly societies etc.
- 66 Miners' welfare institutes

#### *Interpretation*

- 67 Associate members and their guests
- 68 The relevant licensing authority
- 69 Authorised persons, interested parties and responsible authorities
- 70 Other definitions relating to clubs

#### *Grant of club premises certificate*

- 71 Application for club premises certificate
- 72 Determination of application for club premises certificate
- 73 Certificate authorising supply of alcohol for consumption off the premises
- 73A Mandatory conditions relating to the supply of alcohol to members or guests
- 73B Power of Secretary of State to impose section 73A mandatory conditions
- 74 Mandatory condition: exhibition of films
- 75 Prohibited conditions: associate members and their guests
- 76 Prohibited conditions: plays
- 77 Grant or rejection of application for club premises certificate
- 78 Form of certificate and summary
- 79 Theft, loss, etc. of certificate or summary

#### *Duration of certificate*

- 80 Period of validity of club premises certificate
- 81 Surrender of club premises certificate

#### *Duty to notify certain changes*

- 82 Notification of change of name or alteration of rules of club
- 83 Change of relevant registered address of club

#### *Variation of certificates*

- 84 Application to vary club premises certificate
- 85 Determination of application under section 84
- 86 Supplementary provision about applications under section 84

#### *Variation of certificates: minor variations*

- 86A Application for minor variation of club premises certificate
- 86B Determination of application under section 86A
- 86C Supplementary provision about determinations under section 86B

#### *Review of certificates*

- 87 Application for review of club premises certificate
- 88 Determination of application for review

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89 Supplementary provision about review

*Withdrawal of certificates*

90 Club ceasing to be a qualifying club

*General provision*

91 Form etc. of applications and notices under Part 4

92 Fees

*Production of certificate, rights of entry, etc.*

93 Licensing authority's duty to update club premises certificate

94 Duty to keep and produce certificate

95 Provision supplementary to section 94

96 Inspection of premises before grant of certificate etc.

97 Other powers of entry and search

**PART 5**

PERMITTED TEMPORARY ACTIVITIES

*Introductory*

98 Meaning of "permitted temporary activity"

99 The relevant licensing authority

*Temporary event notices*

100 Temporary event notice

101 Minimum of 24 hours between event periods

102 Acknowledgement of notice

103 Withdrawal of notice

*Police objections*

104 Objection to notice by the police

105 Counter notice following police objection

106 Modification of notice following police objection

*Limits on temporary event notices*

107 Counter notice where permitted limits exceeded

*Rights of entry, production of notice, etc.*

108 Right of entry where temporary event notice given

109 Duty to keep and produce temporary event notice

*Miscellaneous*

110 Theft, loss, etc. of temporary event notice

**PART 6**

PERSONAL LICENCES

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### *Introductory*

- 111 Personal licence
- 112 The relevant licensing authority
- 113 Meaning of “relevant offence” and “foreign offence”
- 114 Spent convictions
- 115 Period of validity of personal licence
- 116 Surrender of personal licence

### *Grant and renewal of licences*

- 117 Application for grant or renewal of personal licence
- 118 Individual permitted to hold only one personal licence
- 119 Licence continued pending renewal
- 120 Determination of application for grant
- 121 Determination of application for renewal
- 122 Notification of determinations
- 123 Duty to notify licensing authority of convictions during application period
- 124 Convictions coming to light after grant or renewal
- 125 Form of personal licence
- 126 Theft, loss, etc. of personal licence

### *Duty to notify certain changes*

- 127 Duty to notify change of name or address

### *Conviction of licence holder for relevant offence*

- 128 Duty to notify court of personal licence
- 129 Forfeiture or suspension of licence on conviction for relevant offence
- 130 Powers of appellate court to suspend order under section 129
- 131 Court’s duty to notify licensing authority of convictions
- 132 Licence holder’s duty to notify licensing authority of convictions

### *General provision*

- 133 Form etc. of applications and notices under Part 6
- 134 Licensing authority’s duty to update licence document

### *Production of licence*

- 135 Licence holder’s duty to produce licence

## **PART 7**

### **OFFENCES**

#### *Unauthorised licensable activities*

- 136 Unauthorised licensable activities
- 137 Exposing alcohol for unauthorised sale
- 138 Keeping alcohol on premises for unauthorised sale etc.
- 139 Defence of due diligence

#### *Drunkenness and disorderly conduct*

- 140 Allowing disorderly conduct on licensed premises etc.

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- 141 Sale of alcohol to a person who is drunk
- 142 Obtaining alcohol for a person who is drunk
- 143 Failure to leave licensed premises etc.

*Smuggled goods*

- 144 Keeping of smuggled goods

*Children and alcohol*

- 145 Unaccompanied children prohibited from certain premises
- 146 Sale of alcohol to children
- 147 Allowing the sale of alcohol to children
- 147A Persistently selling alcohol to children
- 147B Order suspending a licence in respect of offence under section 147A
- 148 Sale of liqueur confectionery to children under 16
- 149 Purchase of alcohol by or on behalf of children
- 150 Consumption of alcohol by children
- 151 Delivering alcohol to children
- 152 Sending a child to obtain alcohol
- 153 Prohibition of unsupervised sales by children
- 154 Enforcement role for weights and measures authorities

*Confiscation of alcohol*

- 155 Confiscation of sealed containers of alcohol

*Vehicles and trains*

- 156 Prohibition on sale of alcohol on moving vehicles
- 157 Power to prohibit sale of alcohol on trains

*False statement relating to licensing etc.*

- 158 False statements made for the purposes of this Act

*Interpretation*

- 159 Interpretation of Part 7

**PART 8**

**CLOSURE OF PREMISES**

*Closure of premises in an identified area*

- 160 Orders to close premises in area experiencing disorder

*Closure of identified premises*

- 161 Closure orders for identified premises
- 162 Extension of closure order
- 163 Cancellation of closure order
- 164 Application to magistrates' court by police
- 165 Consideration of closure order by magistrates' court
- 166 Appeal from decision of magistrates' court
- 167 Review of premises licence following closure order
- 168 Provision about decisions under section 167

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169 Enforcement of closure order

*Closure notices*

169A Closure notices for persistently selling alcohol to children

169B Effect of closure notices

170 Exemption of police from liability for damages

*Interpretation*

171 Interpretation of Part 8

**PART 9**

MISCELLANEOUS AND SUPPLEMENTARY

*Special occasions*

172 Relaxation of opening hours for special occasions

*Early morning alcohol restriction orders*

172A Power to make early morning alcohol restriction order

172B Procedural requirements for early morning alcohol restriction order

172C Making of early morning alcohol restriction order

172D Variation and revocation of early morning alcohol restriction order

172E Exceptions from effect of early morning alcohol restriction order

*Exemptions etc.*

173 Activities in certain locations not licensable

174 Certifying of premises on grounds of national security

175 Exemption for raffle, tombola, etc.

*Service areas and garages etc.*

176 Prohibition of alcohol sales at service areas, garages etc.

*Small premises*

177 Dancing and live music in certain small premises

*Rights of freeholders etc.*

178 Right of freeholder etc. to be notified of licensing matters

*Rights of entry*

179 Rights of entry to investigate licensable activities

180 Right of entry to investigate offences

*Appeals*

181 Appeals against decisions of licensing authorities

*Guidance, hearings etc.*

182 Guidance

183 Hearings



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- 184 Giving of notices, etc.
- 185 Provision of information

*General provisions about offences*

- 186 Proceedings for offences
- 187 Offences by bodies corporate etc.
- 188 Jurisdiction and procedure in respect of offences

*Vessels, vehicles and moveable structures*

- 189 Vessels, vehicles and moveable structures

*Interpretation*

- 190 Location of sales
- 191 Meaning of “alcohol”
- 192 Meaning of “sale by retail”
- 193 Other definitions
- 194 Index of defined expressions

*Supplementary and general*

- 195 Crown application
- 196 Removal of privileges and exemptions
- 197 Regulations and orders
- 198 Minor and consequential amendments
- 199 Repeals
- 200 Transitional provision etc.
- 201 Short title, commencement and extent

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SCHEDULES

- SCHEDULE 1 — Provision of regulated entertainment
- Part 1 — GENERAL DEFINITIONS

*The provision of regulated entertainment*

- 1 (1) For the purposes of this Act the “provision of...

*Entertainment*

- 2 (1) The descriptions of entertainment are— (a) a performance of...

*Entertainment facilities*

- 3 (1) In this Schedule, “entertainment facilities” means facilities for enabling...

*Power to amend Schedule*

- 4 The Secretary of State may by order amend this Schedule...
- Part 2 — EXEMPTIONS

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*Film exhibitions for the purposes of advertisement, information, education, etc.*

5 The provision of entertainment consisting of the exhibition of a...

*Film exhibitions: museums and art galleries*

6 The provision of entertainment consisting of the exhibition of a...

*Music incidental to certain other activities*

7 The provision of entertainment consisting of the performance of live...

*Use of television or radio receivers*

8 The provision of any entertainment or entertainment facilities is not...

*Religious services, places of worship etc.*

9 The provision of any entertainment or entertainment facilities—

*Garden fêtes, etc.*

10 (1) The provision of any entertainment or entertainment facilities at...

*Morris dancing etc.*

11 The provision of any entertainment or entertainment facilities is not...

*Sexual entertainment venues*

11A (1) The provision of relevant entertainment— (a) at premises for...

*Vehicles in motion*

12 The provision of any entertainment or entertainment facilities—

Part 3 — INTERPRETATION

*General*

13 This Part has effect for the purposes of this Schedule....

*Plays*

14 (1) A “performance of a play” means a performance of...

*Film exhibitions*

15 An “exhibition of a film” means any exhibition of moving...

*Indoor sporting events*

16 (1) An “indoor sporting event” is a sporting event—

*Boxing or wrestling entertainments*

17 A “boxing or wrestling entertainment” is any contest, exhibition or...

*Music*

18 “Music” includes vocal or instrumental music or any combination of...

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## SCHEDULE 2 — Provision of late night refreshment

### *The provision of late night refreshment*

1 (1) For the purposes of this Act, a person “provides...

### *Hot food or hot drink*

2 Food or drink supplied on or from any premises is...

### *Exempt supplies: clubs, hotels etc. and employees*

3 (1) The supply of hot food or hot drink on...

### *Exempt supplies: premises licensed under certain other Acts*

4 The supply of hot food or hot drink on or...

### *Miscellaneous exempt supplies*

5 (1) The following supplies of hot food or hot drink...

### *Clubs which are not recognised clubs: members and guests*

6 For the purposes of this Schedule— (a) the supply of...

## SCHEDULE 3 — Matters to be entered in licensing register

The licensing register kept by a licensing authority under section...

## SCHEDULE 4 — Personal licence: relevant offences

- 1 An offence under this Act.
- 2 An offence under any of the following enactments—
- 3 An offence under the Firearms Act 1968 (c. 27).
- 4 An offence under section 1 of the Trade Descriptions Act...
- 5 An offence under any of the following provisions of the...
- 6 An offence under section 7(2) of the Gaming Act 1968...
- 7 An offence under any of the following provisions of the...
- 8 An offence under either of the following provisions of the...
- 9 An offence under either of the following provisions of the...
- 10 An offence under either of the following provisions of the...
- 11 An offence under the Forgery and Counterfeiting Act 1981 (c....
- 12 An offence under the Firearms (Amendment) Act 1988 (c. 45)....
- 13 An offence under any of the following provisions of the...
- 14 An offence under any of the following provisions of the...
- 15 An offence under either of the following provisions of the...
- 16 An offence under section 92(1) or (2) of the Trade...
- 17 An offence under the Firearms (Amendment) Act 1997 (c. 5)....
- 18 A sexual offence, being an offence —
- 19 A violent offence, being any offence which leads, or is...
- 20 An offence under section 3 of the Private Security Industry...
- 21 An offence under section 46 of the Gambling Act 2005...
- 22 An offence under the Fraud Act 2006.
- 23 An offence under regulation 8, 9, 10, 11 or 12...

## SCHEDULE 5 — Appeals

### Part 1 — PREMISES LICENCES

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*Rejection of applications relating to premises licences*

- 1 Where a licensing authority— (a) rejects an application for a...

*Decision to grant premises licence or impose conditions etc.*

- 2 (1) This paragraph applies where a licensing authority grants a...

*Issue of provisional statement*

- 3 (1) This paragraph applies where a provisional statement is issued...

*Variation of licence under section 35*

- 4 (1) This paragraph applies where an application to vary a...

*Variation of licence to specify individual as premises supervisor*

- 5 (1) This paragraph applies where an application to vary a...

*Transfer of licence*

- 6 (1) This paragraph applies where an application to transfer a...

*Interim authority notice*

- 7 (1) This paragraph applies where— (a) an interim authority notice...

*Review of premises licence*

- 8 (1) This paragraph applies where an application for a review...

*Summary review of premises licence*

- 8A (1) This paragraph applies where a review of a premises...

*General provision about appeals under this Part*

- 9 (1) An appeal under this Part must be made to...  
Part 2 — CLUB PREMISES CERTIFICATES

*Rejection of applications relating to club premises certificates*

- 10 Where a licensing authority— (a) rejects an application for a...

*Decision to grant club premises certificate or impose conditions etc.*

- 11 (1) This paragraph applies where a licensing authority grants a...

*Variation of club premises certificate*

- 12 (1) This paragraph applies where an application to vary a...

*Review of club premises certificate*

- 13 (1) This paragraph applies where an application for a review...

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*Withdrawal of club premises certificate*

- 14 Where the relevant licensing authority gives notice withdrawing a club...

*General provision about appeals under this Part*

- 15 (1) An appeal under this Part must be made to...  
Part 3 — OTHER APPEALS

*Temporary event notices*

- 16 (1) This paragraph applies where— (a) a temporary event notice...

*Personal licences*

- 17 (1) Where a licensing authority— (a) rejects an application for...

*Closure orders*

- 18 (1) This paragraph applies where, on a review of a...

SCHEDULE 6 — Minor and consequential amendments

*Universities (Wine Licences) Act 1743 (c. 40)*

- 1 The Universities (Wine Licences) Act 1743 ceases to have effect...

*Disorderly Houses Act 1751 (c. 36)*

- 2 The Disorderly Houses Act 1751 does not apply in relation...

*Sunday Observance Act 1780 (c. 49)*

- 3 The Sunday Observance Act 1780 ceases to have effect.

*Town Police Clauses Act 1847 (c. 89)*

- 4 Section 35 of the Town Police Clauses Act 1847 (harbouring...

*Cambridge Award Act 1856 (c. xvii)*

- 5 The following provisions of the Cambridge Award Act 1856 cease...

*Inebriates Act 1898 (c. 60)*

- 6 In the First Schedule to the Inebriates Act 1898 (offences...

*Licensing Act 1902 (c. 28)*

- 7 The Licensing Act 1902 is amended as follows.  
8 (1) Section 6 (prohibition of sale of alcohol to person...  
9 After section 8 (meaning of “public place”) insert— Interpretation of...

*Celluloid and Cinematograph Film Act 1922 (c. 35)*

- 10 At the end of section 2 of the Celluloid and...

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*Sunday Entertainments Act 1932 (c. 51)*

- 11 The Sunday Entertainments Act 1932 ceases to have effect.

*Children and Young Persons Act 1933 (c. 12)*

- 12 The Children and Young Persons Act 1933 is amended as...  
13 In section 5 (giving alcohol to a child under five)...  
14 In section 12 (failing to provide for safety of children)...  
15 In section 107 (interpretation), omit the definition of “intoxicating liquor”....

*Public Health Act 1936 (c. 49)*

- 16 In section 226 of the Public Health Act 1936 (power...

*London Building Acts (Amendment) Act 1939 (c. xcvi)*

- 17 In each of the following provisions of the London Building...

*Civic Restaurants Act 1947 (c. 22)*

- 18 In section 1(4) of the Civic Restaurants Act 1947 (civic...

*London County Council (General Powers) Act 1947 (c. xlvi)*

- 19 In section 6(1)(b) of the London County Council (General Powers)...

*National Parks and Access to the Countryside Act 1949 (c. 97)*

- 20 In each of the following provisions of the National Parks...

*Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)*

- 21 The Reserve and Auxiliary Forces (Protection of Civil Interests) Act...  
22 In section 14(2)(a) (protection against insecurity of tenure of place...  
23 In section 18(3)(a) (protection against insecurity of tenure in connection...  
24 In section 27(1) (renewal of tenancy expiring during period of...

*Hypnotism Act 1952 (c. 46)*

- 25 The Hypnotism Act 1952 is amended as follows.  
26 (1) Section 1 (inclusion in an entertainment licence of conditions...  
27 In section 2 (requirement for authorisation for demonstration of hypnotism)—...

*Obscene Publications Act 1959 (c. 66)*

- 28 (1) Section 2 of the Obscene Publications Act 1959 (prohibition...

*Betting, Gaming and Lotteries Act 1963 (c. 2)*

- 29 The Betting, Gaming and Lotteries Act 1963 is amended as...  
30 In section 10(1B) (conduct of licensed betting offices) for “the...  
31 In Schedule 4 (rules for licensed betting offices), in paragraph...

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*Children and Young Persons Act 1963 (c. 37)*

32 For section 37(2)(b) of the Children and Young Persons Act...

*Offices, Shops and Railway Premises Act 1963 (c. 41)*

33 In section 90 of the Offices, Shops and Railway Premises...

*Greater London Council (General Powers) Act 1966 (c. xxviii)*

34 The Greater London Council (General Powers) Act 1966 is amended...

35 In section 21(1) (licensing of public exhibitions, etc.)—

36 In section 22 (application to old buildings of provisions for...

*Finance Act 1967 (c. 54)*

37 In section 5 of the Finance Act 1967 (no requirement...

*Criminal Appeal Act 1968 (c. 19)*

38 The Criminal Appeal Act 1968 is amended as follows.

39 In section 10 (appeal against sentence to Crown Court), at...

40 In section 31 (powers of Court of Appeal under Part...

41 In section 44 (powers of Court of Appeal under Part...

42 In section 50 (meaning of “sentence”), at the end of...

*Theatres Act 1968 (c. 54)*

43 The Theatres Act 1968 is amended as follows.

44 The following provisions cease to have effect in England and...

45 In section 15 (warrant to enter theatre where offence suspected)—...

46 Section 17 (existing letters patent) ceases to have effect.

47 In section 18(1) (interpretation), in the definition of “licensing authority”,...

*Gaming Act 1968 (c. 65)*

48 The Gaming Act 1968 is amended as follows.

49 (1) Section 6 (playing games on premises used for sale...

50 For section 7(2) (offence to allow child to take part...

51 For section 8(7) (penalty for contravention of section 7(2)) substitute

—...

52 (1) Schedule 9 (permits in respect of amusement machine premises)...

*City of London (Various Powers) Act 1968 (c. xxxvii)*

53 For section 5(3) of the City of London (Various Powers)...

*Finance Act 1970 (c. 24)*

54 In section 6(2)(b) of the Finance Act 1970 (Angostura bitters)—...

*Sunday Theatre Act 1972 (c. 26)*

55 The Sunday Theatre Act 1972 ceases to have effect.

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*Local Government Act 1972 (c. 70)*

- 56 The Local Government Act 1972 is amended as follows.
- 57 In section 78(1)(supplementary provision relating to changes in local government...
- 58 In section 101 (arrangements for discharge of functions by local...
- 59 In section 145(4) (provision of entertainment), for “intoxicating liquor” substitute...
- 60 Section 204 (licensed premises) ceases to have effect.
- 61 (1) Schedule 12 (meetings and proceedings of local authorities) is...

*Lotteries and Amusements Act 1976 (c. 32)*

- 62 Schedule 3 to the Lotteries and Amusements Act 1976 (provision...
- 63 (1) Paragraph 1 (interpretation) is amended as follows.
- 64 In paragraph 8 (appeals)— (a) in sub-paragraphs (2) and (3),...
- 65 Omit paragraph 11 (payment of indemnity from central funds).
- 66 In paragraph 18 (fees), for “proper officer” substitute “clerk”.

*Rent Act 1977 (c. 42)*

- 67 In section 11 of the Rent Act 1977 (tenancy of...

*Greater London Council (General Powers) Act 1978 (c. xiii)*

- 68 The Greater London Council (General Powers) Act 1978 is amended...
- 69 Section 3 (human posing to be treated as entertainment) ceases...
- 70 In section 5(4)(a) (definition of “booking office”)—

*Alcoholic Liquor Duties Act 1979 (c. 4)*

- 71 The Alcoholic Liquor Duties Act 1979 is amended as follows...
- 72 In section 4 (interpretation)— (a) in the definition of “justices’...
- 73 In section 71 (exception to penalty for misdescribing alcohol as...

*Licensed Premises (Exclusion of Certain Persons) Act 1980 (c. 32)*

- 74 In section 4(1) of the Licensed Premises (Exclusion of Certain...

*Magistrates' Courts Act 1980 (c. 43)*

- 75 In Part 3 of Schedule 6 to the Magistrates' Courts...

*Local Government, Planning and Land Act 1980 (c. 65)*

- 76 The Local Government, Planning and Land Act 1980 is amended...
- 77 Sections 131 and 132 (licensing in new towns) cease to...
- 78 In section 133 (miscellaneous provision about new towns), in subsection...
- 79 In section 146 (disposal of land by urban development corporation)—...

*Indecent Displays (Control) Act 1981 (c. 42)*

- 80 In section 1(4) of the Indecent Displays (Control) Act 1981...

*New Towns Act 1981 (c. 64)*

- 81 In section 18 of the New Towns Act 1981 (disposal...



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*Local Government (Miscellaneous Provisions) Act 1982 (c. 30)*

- 82 The Local Government (Miscellaneous Provisions) Act 1982 is amended as...
- 83 The following provisions cease to have effect—
- 84 In section 10(11) (requirement that apparatus to be installed should...
- 85 (1) Schedule 3 (control of sex establishments) is amended as...

*Representation of the People Act 1983 (c. 2)*

- 86 The Representation of the People Act 1983 is amended as...
- 87 In section 185 (interpretation of Part relating to legal proceedings),...
- 88 In Schedule 7 (transitional and saving provision), omit paragraph 4....

*Video Recordings Act 1984 (c. 39)*

- 89 In section 3(7) of the Video Recordings Act 1984 (exempted...

*Building Act 1984 (c. 55)*

- 90 The Building Act 1984 is amended as follows.
- 91 In section 24(4) (provision of exits in buildings) for paragraph...
- 92 In section 74(2) (exemption for certain premises from requirement for...

*Police and Criminal Evidence Act 1984 (c. 60)*

- 93 In Schedule 1A to the Police and Criminal Evidence Act...

*Greater London Council (General Powers) Act 1984 (c. xxvii)*

- 94 In section 15(1) of the Greater London Council (General Powers)...

*Cinemas Act 1985 (c. 13)*

- 95 The Cinemas Act 1985 ceases to have effect in England...

*Sporting Events (Control of Alcohol etc.) Act 1985 (c. 57)*

- 96 The Sporting Events (Control of Alcohol etc.) Act 1985 is...
- 97 In the following provisions, for “intoxicating liquor” substitute “alcohol”—
- 98 Omit section 2(1A) (application to private rooms of offence of...
- 99 The following provisions cease to have effect—
- 100 In section 8 (offences)— (a) in paragraph (b), for “,...
- 101 In section 9 (interpretation)— (a) omit subsection (5), and

*Housing Act 1985 (c. 68)*

- 102 The Housing Act 1985 is amended as follows.
- 103 In section 11 (provision of board facilities by local housing...
- 104 In Schedule 1 (tenancies which are not secure tenancies), in...

*Sex Discrimination Act 1986 (c. 59)*

- 105 Section 5 of the Sex Discrimination Act 1986 (discrimination required...

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*Fire Safety and Safety of Places of Sport Act 1987 (c. 27)*

106 After section 33(2) of the Fire Safety and Safety of...

*Norfolk and Suffolk Broads Act 1988 (c. 4)*

107 In paragraph 40(1) of Schedule 3 to the Norfolk and...

*Housing Act 1988 (c. 50)*

108 In Schedule 1 to the Housing Act 1988 (tenancies which...

*Town and Country Planning Act 1990 (c. 8)*

109 Section 334 of the Town and Country Planning Act 1990...

*Sunday Trading Act 1994 (c. 20)*

110 (1) Schedule 1 to the Sunday Trading Act 1994 (restrictions...

*Criminal Justice and Public Order Act 1994 (c. 33)*

111 In section 63 of the Criminal Justice and Public Order...

*Deregulation and Contracting Out Act 1994 (c. 40)*

112 Section 21 of the Deregulation and Contracting Out Act 1994...

*London Local Authorities Act 1995 (c. x)*

113 In section 14 of the London Local Authorities Act 1995...

*Employment Rights Act 1996 (c. 18)*

114 In section 232(7) of the Employment Rights Act 1996 (definition...

*Confiscation of Alcohol (Young Persons) Act 1997 (c. 33)*

115 (1) Section 1 of the Confiscation of Alcohol (Young Persons)...

*Police Act 1997 (c. 50)*

116 In section 115(5) of the Police Act 1997 (enhanced criminal...

*London Local Authorities Act 2000 (c. vii)*

117 In section 32 of the London Local Authorities Act 2000...

*Private Security Industry Act 2001 (c. 12)*

118 (1) Paragraph 8 of Schedule 2 to the Private Security...

*Criminal Justice and Police Act 2001 (c. 16)*

119 The Criminal Justice and Police Act 2001 is amended as...

120 In section 1(1) (offences leading to penalties on the spot),...

121 In section 12 (alcohol consumption in designated public place)—

122 In section 13 (designated public places), in subsection (2) for...

123 (1) Section 14 (places which are not designated public places)...

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- 124 In section 15(1)(a) (byelaw prohibiting consumption of alcohol), for “intoxicating...”  
125 In section 16(1) (interpretation of sections 12 to 15)—  
126 In each of the following provisions, for “unlicensed sale of...”  
127 In section 28 (interpretation of provisions relating to closure of...  
128 In Schedule 1 (powers of seizure)— (a) at the end...

#### SCHEDULE 7 — Repeals

#### SCHEDULE 8 — Transitional provision etc.

##### Part 1 — PREMISES LICENCES

###### *Introductory*

- 1 (1) In this Part— “canteen licence” has the same meaning...

###### *Application for conversion of existing licence*

- 2 (1) This paragraph applies where, in respect of any premises,...

###### *Police consultation*

- 3 (1) Where a person makes an application under paragraph 2,...

###### *Determination of application*

- 4 (1) This paragraph applies where an application is made in...

###### *Notification of determination and issue of new licence*

- 5 (1) Where an application is granted (in whole or in...

###### *The new licence*

- 6 (1) This paragraph applies where a new licence is granted...

###### *Variation of new licence*

- 7 (1) A person who makes an application under paragraph 2...

###### *Existing licence revoked after grant of new licence*

- 8 (1) This paragraph applies where the relevant licensing authority grants...

###### *Appeals*

- 9 (1) Where an application under paragraph 2 is rejected (in...

###### *False statements*

- 10 (1) A person commits an offence if he knowingly or...

###### *Opening hours*

- 11 (1) This paragraph applies where— (a) within such period (of...

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### *Provisional licences*

- 12 (1) Where— (a) during such period as may be specified...  
Part 2 — CLUB PREMISES CERTIFICATES

#### *Introductory*

- 13 (1) In this Part— “existing club certificate” means a certificate...

#### *Application for conversion of existing club certificate*

- 14 (1) This paragraph applies where, in respect of any premises,...

#### *Police consultation*

- 15 (1) Where a person makes an application under paragraph 14,...

#### *Determination of application*

- 16 (1) This paragraph applies where an application is made in...

#### *Notification of determination and issue of new certificate*

- 17 (1) Where an application is granted under paragraph 16, the...

#### *The new certificate*

- 18 (1) The new certificate is to be treated as if...

#### *Variation of new certificate*

- 19 (1) A person who makes an application under paragraph 14...

#### *Existing club certificate revoked after grant of new certificate*

- 20 Where the relevant licensing authority grants a new certificate under...

#### *Appeals*

- 21 (1) Where an application under paragraph 14 is rejected by...

#### *False statements*

- 22 (1) A person commits an offence if he knowingly or...  
Part 3 — PERSONAL LICENCES

#### *Introductory*

- 23 (1) Paragraphs 24 to 27 apply where—

#### *Section 120 disapplied*

- 24 Section 120 (determination of application for grant) does not apply...

#### *Police objections*

- 25 (1) Sub-paragraph (2) applies where— (a) the applicant has been...

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*Determination of application*

- 26 (1) The relevant licensing authority must grant the application if—...

*Appeals*

- 27 (1) Where a licensing authority rejects an application under paragraph...

*Interpretation of Part 3*

- 28 For the purposes of this Part— “relevant date”, in relation...

Part 4 — MISCELLANEOUS AND GENERAL

*Consultation on licensing policy*

- 29 Until such time as section 59 of the 1964 Act...

*Meaning of “methylated spirits” (transitory provision)*

- 30 Until such time as an order is made under subsection...

*Savings*

- 31 Notwithstanding the repeal by this Act of Schedule 12 to...  
32 (1) In Schedule 3 to the Local Government (Miscellaneous Provisions)...  
33 Notwithstanding that by virtue of this Act the Cinemas Act...

*Interpretation*

- 34 In this Schedule— “justices' licence” means a justices' licence under...

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