



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 9 **E+W**

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Special occasions*

#### **172 Relaxation of opening hours for special occasions **E+W****

- (1) Where the Secretary of State considers that a period (“the celebration period”) marks an occasion of exceptional international, national, or local significance, he may make a licensing hours order.
- (2) A licensing hours order is an order which provides that during the specified relaxation period premises licences and club premises certificates have effect (to the extent that it is not already the case) as if specified times were included in the opening hours.
- (3) An order under this section may—
  - (a) make provision generally or only in relation to premises in one or more specified areas;
  - (b) make different provision in respect of different days during the specified relaxation period;
  - (c) make different provision in respect of different licensable activities.
- (4) Before making an order under this section, the Secretary of State must consult such persons as he considers appropriate.
- (5) In this section—

“opening hours” means—

  - (a) in relation to a premises licence, the times during which the premises may be used for licensable activities in accordance with the licence, and
  - (b) in relation to a club premises certificate, the times during which the premises may be used for qualifying club activities in accordance with the certificate;

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“relaxation period” means—

- (a) if the celebration period does not exceed four days, that period, or
- (b) any part of that period not exceeding four days; and

“specified”, in relation to a licensing hours order, means specified in the order.

*[<sup>F1</sup>Early morning alcohol restriction orders]*

**Textual Amendments**

- F1** Ss. 172A-172E and cross-heading inserted by [Crime and Security Act 2010 \(c. 17\)](#), [ss. 55\(2\)](#), 59 and ss. 172A-172E substituted (31.10.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 119\(3\)](#), 157(1); [S.I. 2012/2670](#), [art. 2\(a\)](#) (as amended by [S.I. 2012/1659](#), art. 1(2), Sch. 3 para. 22 (with arts. 4-6))

**[<sup>F2</sup>172A Power to make early morning alcohol restriction order E+W]**

- (1) If a licensing authority considers it appropriate for the promotion of the licensing objectives, it may, subject as follows, make an order under this section.
- (2) An order under this section is an order providing that—
  - (a) premises licences and club premises certificates granted by the authority, and temporary event notices given to the authority, do not have effect to the extent that they authorise the sale of alcohol during the period specified in the order, and
  - (b) club premises certificates granted by the authority do not have effect to the extent that they authorise the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club during the period specified in the order.
- (3) For the purposes of subsection (2)(a) and (b), the period that may be specified in the order must—
  - (a) begin no earlier than midnight, and
  - (b) end no later than 6am.
- (4) It is immaterial for the purposes of an order under this section whether a premises licence or club premises certificate is granted, or a temporary event notice is given, before or after the order is made.
- (5) An order under this section may provide that it is to apply—
  - (a) in relation to the same period of every day on which the order is to apply, or in relation to different periods of different days,
  - (b) every day or only on particular days (for example, particular days of the week or year),
  - (c) in relation to the whole or part of a licensing authority's area, or
  - (d) for a limited or unlimited period.
- (6) An order under this section must specify—
  - (a) the days on which it is to apply and the period of those days,
  - (b) the area in relation to which it is to apply,
  - (c) if it is to apply for a limited period, that period, and

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- (d) the date from which it is to apply.
- (7) An order under this section must—
  - (a) be in the prescribed form, and
  - (b) have the prescribed content.

#### Textual Amendments

- F2** Ss. 172A-172E substituted (31.10.2012) for ss. 172A-172E as inserted by Crime and Security Act 2010 (c. 17), s. 55(2) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 119\(3\), 157\(1\)](#); [S.I. 2012/2670](#), [art. 2\(a\)](#) (as amended by S.I. 2012/1659, art. 1(2), Sch. 3 para. 22 (with arts. 4-6))

### 172B Procedural requirements for early morning alcohol restriction order **E=W**

- (1) A licensing authority proposing to make an order under section 172A must—
  - (a) advertise the proposed order in the prescribed manner, and
  - (b) hold a hearing to consider any relevant representations, unless the authority and each person who has made such representations agree that a hearing is unnecessary.
- (2) In this section “relevant representations” means representations which—
  - (a) are about the likely effect of the making of the proposed order on the promotion of the licensing objectives,
  - (b) are made to the licensing authority by an affected person, a responsible authority or any other person,
  - (c) are made in the prescribed form and manner and within the prescribed period,
  - (d) have not been withdrawn, and
  - (e) in the case of representations made by a person who is not a responsible authority, are not, in the opinion of the licensing authority, frivolous or vexatious.
- (3) In subsection (2)(b), “affected person” means—
  - (a) the holder of the premises licence or club premises certificate in respect of affected premises,
  - (b) the premises user in relation to a temporary event notice in respect of affected premises,
  - (c) a person who has applied for a premises licence or club premises certificate in respect of affected premises (where the application has not been determined), and
  - (d) a person to whom a provisional statement has been issued in respect of affected premises.
- (4) In subsection (2)(b) and (e), “responsible authority” means—
  - (a) the licensing authority and any other licensing authority in whose area part of any affected premises is situated,
  - (b) the chief officer of police for a police area any part of which is in the area specified in the order,
  - (c) the fire and rescue authority for an area any part of which is in the area specified in the order,

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- (d) the<sup>F3</sup>... Local Health Board for an area any part of which is in the area specified in the order,
- [ the local authority in England whose public health functions within the
- <sup>F4</sup>(da) meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the area specified in the order,]
- (e) the local weights and measures authority for any such area,
- (f) the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc Act 1974 for any such area,
- (g) the local planning authority within the meaning given by the Town and Country Planning Act 1990 for any such area,
- (h) the local authority by which statutory functions are exercisable in the area specified in the order in relation to minimising or preventing the risk of pollution of the environment or of harm to human health,
- (i) a body which—
- (i) represents those who, in relation to the area specified in the order, are responsible for, or interested in, matters relating to the protection of children from harm, and
- (ii) is recognised by the licensing authority for the purposes of this section as being competent to advise on such matters,
- (j) where affected premises are a vessel—
- (i) a navigation authority (within the meaning given by section 221(1) of the Water Resources Act 1991) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is navigated at a time when it is used for licensable activities to which the proposed order relates,
- (ii) the Environment Agency,
- (iii) Canal & River Trust, and
- (iv) the Secretary of State, and
- (k) a prescribed person.
- (5) Where a licensing authority determines for the purposes of subsection (2)(e) that any representations are frivolous or vexatious, it must notify the person who made them of its reasons for its determination.
- (6) In this section—
- “affected premises”, in relation to a proposed order, means premises in respect of which it applies from the date specified in it;
- “statutory function” means a function conferred by or under an enactment.

#### Textual Amendments

- F2** Ss. 172A-172E substituted (31.10.2012) for ss. 172A-172E as inserted by Crime and Security Act 2010 (c. 17), s. 55(2) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 119(3)**, 157(1); [S.I. 2012/2670](#), **art. 2(a)** (as amended by [S.I. 2012/1659](#), art. 1(2), Sch. 3 para. 22 (with arts. 4-6))
- F3** Words in s. 172B(4)(d) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 116(a)**; [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)
- F4** S. 172B(4)(da) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 116(b)**; [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)

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## 172C Making of early morning alcohol restriction order **E+W**

- (1) A licensing authority may not make an order under section 172A applying in relation to—
  - (a) an area not specified in the proposed order advertised under section 172B,
  - (b) a day not specified in that proposed order, or
  - (c) a period other than the period specified in that proposed order of any day so specified.
- (2) After making an order under section 172A a licensing authority must publish it or otherwise make it available—
  - (a) in the prescribed form and manner, and
  - (b) within the prescribed period.

### Textual Amendments

**F2** Ss. 172A-172E substituted (31.10.2012) for ss. 172A-172E as inserted by Crime and Security Act 2010 (c. 17), s. 55(2) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 119(3), 157(1)**; [S.I. 2012/2670, art. 2\(a\)](#) (as amended by S.I. 2012/1659, art. 1(2), Sch. 3 para. 22 (with arts. 4-6))

## 172D Variation and revocation of early morning alcohol restriction order **E+W**

- (1) A licensing authority may vary or revoke an order under section 172A.
- (2) Sections 172B and 172C apply in relation to the variation or revocation of an order under section 172A as in relation to the making of such an order.

### Textual Amendments

**F2** Ss. 172A-172E substituted (31.10.2012) for ss. 172A-172E as inserted by Crime and Security Act 2010 (c. 17), s. 55(2) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 119(3), 157(1)**; [S.I. 2012/2670, art. 2\(a\)](#) (as amended by S.I. 2012/1659, art. 1(2), Sch. 3 para. 22 (with arts. 4-6))

## 172E Exceptions from effect of early morning alcohol restriction order **E+W**

- (1) An order under section 172A does not apply in prescribed cases or circumstances.
- (2) The cases referred to in subsection (1) may in particular be defined by reference to—
  - (a) particular kinds of premises, or
  - (b) particular days.
- (3) An order under section 172A is subject to an order under section 172 (whether made before or afterwards), unless and to the extent that the order under section 172 provides otherwise.]

### Textual Amendments

**F2** Ss. 172A-172E substituted (31.10.2012) for ss. 172A-172E as inserted by Crime and Security Act 2010 (c. 17), s. 55(2) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 119(3), 157(1)**; [S.I. 2012/2670, art. 2\(a\)](#) (as amended by S.I. 2012/1659, art. 1(2), Sch. 3 para. 22 (with arts. 4-6))

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*<sup>F5</sup>Modification of premises licences to authorise off-sales for limited period*

**Textual Amendments**

**F5** Ss. 172F-172L and cross-heading inserted (temp.) (22.7.2020) by virtue of [Business and Planning Act 2020 \(c. 16\)](#), **ss. 11(2), 25(1)** (with s. 11(13))

**172F Authorisation of off-sales for limited period E+W**

- (1) Subsection (2) applies to a premises licence if—
  - (a) the licence has effect, or is capable of having effect, on the day on which this section comes into force (“day X”),
  - (b) immediately before day X, it is an on-sales only licence, and
  - (c) no disqualifying event has occurred in relation to the licence in the period of three years ending with day X.
- (2) The premises licence is to be treated as if, at the beginning of day X, it is varied so that it authorises off-sales during the relevant period subject to the condition that every off-sale must be made at a pre-cut off time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises.
- (3) Any provisions of the premises licence on day X are suspended in so far as they are inconsistent with the authorisation granted by virtue of subsection (2) (and for so long as that authorisation has effect).
- (4) Subsection (5) applies to a premises licence if—
  - (a) the licence has effect, or is capable of having effect, on day X,
  - (b) immediately before day X, it authorises the sale by retail of alcohol for consumption on the licensed premises and it also authorises off-sales, and
  - (c) at that time that authorisation is subject to one or more of the following—
    - (i) one or more conditions relating to the time when an off-sale may be made that would prevent an off-sale during the relevant period being made at a pre-cut off time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises;
    - (ii) one or more conditions applicable to pre-cut off times that would prevent an off-sale during the relevant period where the alcohol is sold in an open container;
    - (iii) one or more conditions applicable to pre-cut off times that would prevent an off-sale during the relevant period where it is a sale for delivery.
- (5) The premises licence is to be treated as if, at the beginning of day X, it is varied so that, in so far as and for so long as it authorises off-sales during the relevant period, it includes—
  - (a) where the requirement in subsection (4)(c)(i) is met, a condition that off-sales that would otherwise have been prevented by the condition or conditions mentioned in subsection (4)(c)(i) from being made at a pre-cut off time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises may be made at such a time;
  - (b) where the requirement in subsection (4)(c)(ii) is met, a condition that off-sales at a pre-cut off time that would otherwise have been prevented by the

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- condition or conditions mentioned in subsection (4)(c)(ii) from being in the form of alcohol sold in an open container may be in that form;
- (c) where the requirement in subsection (4)(c)(iii) is met, a condition that off-sales at a pre-cut off time that would otherwise have been prevented by the condition or conditions mentioned in subsection (4)(c)(ii) from being a sale for delivery may be such a sale.
- (6) For so long as a condition has effect by virtue of subsection (5)(a), (b) or (c), the conditions of the licence referred to in subsection (4)(c)(i), (ii) or (iii) (as the case may be) are suspended in so far as they prevent the matters mentioned in that provision.
- (7) The references in subsections (3) and (6) to an authorisation or condition having effect include the authorisation or condition as subsequently varied or modified in so far as it has effect in relation to the relevant period.
- (8) For the purposes of subsection (1)(c) a disqualifying event has occurred in relation to a premises licence in the three year period mentioned in that provision if, at any time during that period—
- (a) the relevant licensing authority refused to grant a premises licence in respect of the licensed premises authorising off-sales,
- (b) the relevant licensing authority refused to vary the premises licence so as to authorise off-sales, or
- (c) the premises licence was varied or modified so as to exclude off-sales from the scope of the licence.
- (9) In the case of a premises licence which is capable of having effect on day X, references in this section to what the licence authorises are to be read as references to what it would authorise were it to have effect.
- (10) In this section—
- (a) “on-sales only licence” means a premises licence which—
- (i) authorises the sale by retail of alcohol for consumption on the licensed premises, but
- (ii) does not authorise off-sales;
- (b) “off-sales” in relation to a premises licence means the sale by retail of alcohol for consumption off the licensed premises; and references to an off-sale are to be read accordingly;
- (c) “sale for delivery” in relation to a premises licence means an off-sale for delivery by or on behalf of the holder of the licence to a building which is used for residential or work purposes (or both);
- (d) “the relevant period” means the period beginning with day X and ending with—
- (i) 30 September 2021, or
- (ii) if earlier, the revocation or expiry of the premises licence or the exclusion of off-sales from the scope of the licence.
- (11) In this section “pre-cut off time”—
- (a) in relation to licensed premises and a day, means any time between when the premises first open that day for the purposes of selling alcohol for consumption on the premises and 11pm (but this is subject to paragraph (b));
- (b) in relation to licensed premises and a day throughout which the premises are open for the purposes of selling alcohol for consumption on the premises,

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means any time between when the premises are first open that day for the purposes of selling alcohol for consumption on the premises and 11pm.

- (12) Where a premises licence authorises the sale by retail of alcohol for consumption in an outdoor area of the licensed premises at some, but not all, of the times when it authorises the sale by retail of alcohol for consumption elsewhere on the premises, times when the premises are not open for the purposes of selling alcohol for consumption in the outdoor area of the premises are to be regarded for the purposes of this section as times when the premises are not “open for the purposes of selling alcohol for consumption on the premises”.

**Modifications etc. (not altering text)**

- C1** S. 172F(10)(d): power to amend conferred (22.7.2020) by [Business and Planning Act 2020 \(c. 16\)](#), ss. [11\(11\)\(14\)\(a\)](#), [25\(1\)](#)

**172G Summary off-sales reviews** **E+W**

- (1) A responsible authority may apply under this section to the relevant licensing authority for an off-sales review of a premises licence to which section [172F\(2\)](#) or [\(5\)](#) applies on grounds which are relevant to one or more of the licensing objectives.
- (2) An “off-sales review” of a premises licence is a review of the licence in so far as it relates to—
  - (a) in the case of a licence to which section [172F\(2\)](#) applies, off-sales authorised by virtue of section [172F\(2\)](#) (see subsection [\(5\)](#)), or
  - (b) in the case of a licence to which section [172F\(5\)](#) applies, the section [172F\(5\)](#) condition or conditions (as the case may be) (see subsection [\(6\)](#)).
- (3) On receipt of such an application, the relevant licensing authority must—
  - (a) within 48 hours of the time of its receipt, consider under section [172H](#) whether it is necessary to take interim steps pending the determination of the off-sales review, and
  - (b) within 28 days after the day of its receipt, review that licence in accordance with section [172I](#) and reach a determination on that review.
- (4) In computing the period of 48 hours mentioned in subsection [\(3\)\(a\)](#) time that is not part of a working day is to be disregarded.
- (5) For the purposes of this section and sections [172H](#) to [172J](#), “off-sales authorised by virtue of section [172F\(2\)](#)”, in relation to a premises licence, means the sale by retail of alcohol for consumption off the licensed premises authorised by the authorisation granted by virtue of section [172F\(2\)](#) (including that authorisation as subsequently varied or modified in so far as it has effect in relation to the relevant period).
- (6) For the purposes of this section and sections [172H](#) to [172J](#), “section [172F\(5\)](#) condition”, in relation to a premises licence, means a condition that has effect by virtue of section [172F\(5\)\(a\)](#), [\(b\)](#) or [\(c\)](#) in relation to the licence (including such a condition as subsequently varied or modified in so far as it has effect in relation to the relevant period).
- (7) See section [172K](#) regarding procedural requirements in relation to applications under this section, off-sales reviews and related hearings.



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## **172H Interim steps pending off-sales review** **E+W**

- (1) This section applies to the consideration by a relevant licensing authority on an application under section 172G whether it is necessary to take interim steps pending the determination of the off-sales review.
- (2) The consideration may take place without the holder of the premises licence having been given an opportunity to make representations to the relevant licensing authority.
- (3) In the case of a premises licence to which section 172F(2) applies, the interim steps the relevant licensing authority must consider taking are—
  - (a) the modification of the conditions of the licence in so far as it relates to off-sales authorised by virtue of section 172F(2);
  - (b) the exclusion of off-sales authorised by virtue of section 172F(2) from the scope of the licence;
  - (c) the suspension of off-sales authorised by virtue of section 172F(2).
- (4) In the case of a premises licence to which section 172F(5) applies, the interim steps the relevant licensing authority must consider taking are—
  - (a) the alteration or omission of the section 172F(5) condition or conditions (as the case may be);
  - (b) the addition of one or more new conditions which relate to a section 172F(5) condition.
- (5) But the steps taken under subsection (4) may not affect any conditions of the premises licence which exist immediately before the day on which section 172F comes into force.
- (6) Where on its consideration of whether to take interim steps the relevant licensing authority does take one or more such steps—
  - (a) its decision takes effect immediately or as soon after that as the authority directs, but
  - (b) it must give immediate notice of its decision and of its reasons for making it to—
    - (i) the holder of the premises licence,
    - (ii) the applicant under section 172G, and
    - (iii) (if not the applicant), the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated).
- (7) Subject to subsection (11), if the holder of the premises licence makes, and does not withdraw, representations against any interim steps taken by the relevant licensing authority, the authority must, within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.
- (8) The relevant licensing authority must give advance notice of the hearing to—
  - (a) the holder of the premises licence, and
  - (b) the applicant under section 172G.
- (9) At the hearing, the relevant licensing authority must—
  - (a) consider whether the interim steps are appropriate for the promotion of the licensing objectives, and
  - (b) determine whether to withdraw or modify the steps taken.

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- (10) In considering those matters the relevant licensing authority must have regard to—
  - (a) any representations made by any responsible authority, and
  - (b) any representations made by the holder of the premises licence.
- (11) Where the relevant licensing authority has determined under subsection (9) whether to withdraw or modify the interim steps taken, the holder of the premises licence may only make further representations under subsection (7) if there has been a material change in circumstances since the authority made its determination.
- (12) In computing the period of 48 hours mentioned in subsection (7) time that is not part of a working day is to be disregarded.

### **172I Off-sales review of premises licence following review application** E+W

- (1) This section applies to an off-sales review of a premises licence which a relevant licensing authority has to conduct on an application under section 172G.
- (2) The relevant licensing authority must—
  - (a) hold a hearing to consider the application for the review and any relevant representations, and
  - (b) take such steps mentioned in subsection (3) or (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
- (3) In the case of a premises licence to which section 172F(2) applies, those steps are—
  - (a) the modification of the conditions of the licence in so far as it relates to off-sales authorised by virtue of section 172F(2);
  - (b) the exclusion of off-sales authorised by virtue of section 172F(2) from the scope of the licence;
  - (c) the suspension, for a period not exceeding three months, of off-sales authorised by virtue of section 172F(2).
- (4) In the case of a premises licence to which section 172F(5) applies, the steps referred to in subsection (2)(b) are—
  - (a) the alteration or omission of the section 172F(5) condition or conditions (as the case may be);
  - (b) the addition of one or more new conditions which relate to a section 172F(5) condition.
- (5) Subsection (2)(b) is subject to sections 19 to 21 (requirement to include certain conditions in premises licences).
- (6) And the steps taken under subsection (4) may not affect any conditions of the premises licence which exist immediately before the day on which section 172F comes into force.
- (7) In this section “relevant representations” means representations which—
  - (a) are relevant to one or more of the licensing objectives, and
  - (b) meet the requirements of subsection (8).
- (8) The requirements are—
  - (a) that the representations are made by the holder of the premises licence, a responsible authority or any other person within the required period,
  - (b) that they have not been withdrawn, and

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- (c) if they are made by a person who is not a responsible authority, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (9) Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
- (10) Where the authority takes a step within subsection (3)(a) or (b) or (4), it may provide that the modification or exclusion is to have effect only for a specified period (not exceeding three months).
- (11) Where a relevant licensing authority determines an off-sales review under this section it must notify the determination and its reasons for making it to—
  - (a) the holder of the premises licence,
  - (b) the applicant under section 172G,
  - (c) (if not the applicant), the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated), and
  - (d) any person who made relevant representations.
- (12) A decision under this section does not have effect until—
  - (a) the end of the period given for appealing against the decision, or
  - (b) if the decision is appealed against, the time the appeal is disposed of.
- (13) In subsection (8)(a), “the required period” means the period provided for in regulation 39A(2) of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (S.I. 2005/42) as applied with modifications by section 172K.
- (14) Section 172J makes provision about the application and review of any interim steps that have been taken under section 172H in relation to a premises licence before a decision under this section comes into effect in relation to the licence.

#### **172J Interim steps pending section 172I decision coming into effect** E+W

- (1) At the hearing to consider an application for an off-sales review under section 172G, the relevant licensing authority must review any interim steps that have been taken by it under section 172H that have effect on the date of the hearing.
- (2) In conducting the review under this section, the relevant licensing authority must—
  - (a) consider whether the interim steps are appropriate for the promotion of the licensing objectives,
  - (b) consider any relevant representations, and
  - (c) determine whether to withdraw or modify the interim steps taken.
- (3) In the case of a premises licence to which section 172F(2) applies, the power of the relevant licensing authority on a review under this section includes a power to take any of the following interim steps—
  - (a) the modification of the conditions of the licence in so far as it relates to off-sales authorised by virtue of section 172F(2);
  - (b) the exclusion of off-sales authorised by virtue of section 172F(2) from the scope of the licence;

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- (c) the suspension, for a period not exceeding three months, of off-sales authorised by virtue of section 172F(2).
- (4) In the case of a premises licence to which section 172F(5) applies, the power of the relevant licensing authority on a review under this section includes a power to take any of the following interim steps—
  - (a) the alteration or omission of the section 172F(5) condition or conditions (as the case may be);
  - (b) the addition of one or more new conditions which relate to a section 172F(5) condition.
- (5) But the steps taken under subsection (4) may not affect any conditions of the premises licence which exist immediately before the day on which section 172F comes into force.
- (6) Any interim steps taken under subsection (3) or (4) apply until—
  - (a) the end of the period given for appealing against a decision made under section 172I,
  - (b) if the decision under section 172I is appealed against, the time the appeal is disposed of, or
  - (c) the end of a period determined by the relevant licensing authority (which may not be longer than the period of time for which such interim steps could apply under paragraph (a) or (b)).
- (7) Any interim steps taken under section 172H in relation to a premises licence cease to have effect when the decision made under section 172I comes into effect.
- (8) In subsection (2) “relevant representations” means representations which—
  - (a) are relevant to one or more of the licensing objectives, and
  - (b) meet the requirements of subsection (9).
- (9) The requirements are—
  - (a) that the representations are made by the holder of the premises licence, a responsible authority or any other person within the required period,
  - (b) that they have not been withdrawn, and
  - (c) if they are made by a person who is not a responsible authority, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (10) Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
- (11) In subsection (9)(a), “the required period” has the same meaning as in section 172I(8)(a).

## **172K Procedural requirements in relation to off-sales reviews and hearings** E+W

- (1) The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (S.I. 2005/42)—
  - (a) apply in relation to an application for an off-sales review under section 172G as they apply in relation to an application for a review of a premises licence under section 53A,

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- (b) apply in relation to an off-sales review under section 172G as they apply in relation to a review of a premises licence under section 53A, and
  - (c) apply in relation to representations under sections 172G to 172J as they apply in relation to representations under sections 53A to 53D.
- (2) In their application by virtue of subsection (1), those Regulations have effect with—
- (a) the modifications specified in the Table, and
  - (b) any other necessary modifications.
- (3) This is the Table referred to in subsection (2)(a)—

<i>Provision of S.I. 2005/42</i>	<i>Modifications</i>
Regulation 2(1) (interpretation)	<ul style="list-style-type: none"> <li>(a) In the definition of “application”, as if for “or Part 4” there were substituted “, Part 4 or section 172G”.</li> <li>(b) In the definition of “representations”, as if for “or Part 8” there were substituted “, Part 8 or sections 172G to 172J”.</li> <li>(c) In the definition of “review”, as if after “8” there were inserted “or sections 172G to 172J”.</li> </ul>
Regulation 16A (form and content of application)	As if for “Schedule 8A” there were substituted “Schedule 8”.
Regulation 36A(2) (notice of the review)	As if paragraph (b), and the “and” at the end of paragraph (a), were omitted.
Regulation 39A(1) (advertisement of application for review)	As if paragraph (b) were omitted.
Regulation 39A(2) (period for making representations)	As if for “The period prescribed for the purposes of section 53A(3)(e) of the Act” there were substituted “The period during which representations may be made by the holder of the premises licence, any responsible authority or any other person”.
Schedule 8 (prescribed form for application)	As if— <ul style="list-style-type: none"> <li>(a) in the words before Part 1, “or club premises certificate” were omitted;</li> <li>(b) in the words before Part 1, for “51 / apply for the review of a club premises certificate under section 87” there were substituted “172G”;</li> <li>(c) in the words before Part 1, “(delete as applicable)” were omitted;</li> <li>(d) in Part 1, in the heading “or club premises” were omitted;</li> </ul>

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<i>Provision of S.I. 2005/42</i>	<i>Modifications</i>
	<p>(e) in Part 1, “or club holding club premises certificate” and “or club premises certificate” were omitted;</p> <p>(f) in Part 2, the text before part (C), except the heading of Part 2, were omitted;</p> <p>(g) in Part 2, for the heading of part (C) there were substituted “Details of responsible authority applicant”;</p> <p>(h) in Part 2, in the words after “when you have made them”, the first tick box option were omitted.</p>

- (4) The Licensing Act 2003 (Hearings) Regulations 2005 (S.I. 2005/44)—
- apply in relation to a hearing under section 172H as they apply in relation to a hearing under section 53B, and
  - apply in relation to a hearing under section 172I as they apply in relation to a hearing under section 53C.
- (5) In their application by virtue of subsection (4), those Regulations have effect with—
- the modifications specified in the Table, and
  - any other necessary modifications.
- (6) This is the Table referred to in subsection (5)(a)—

<i>Provision of S.I. 2005/44</i>	<i>Modifications</i>
Regulation 2 (interpretation)	As if paragraph (4) were omitted.
Regulation 13(c) (power to extend time)	As if for the words from “section 53A” to the end there were substituted “section 172G (summary off-sales reviews) within the period specified in subsection (3)(b) of that section.”
In row 7A and column 2 of the Table in Schedule 2 (persons to whom notice of hearing is given)	As if for “section 53C(7)” there were substituted “section 172I(7)”, for “chief officer of police” there were substituted “person” and for “section 53A(1)” there were substituted “section 172G”.
In row 7A and column 3 of the Table in Schedule 3 (documents to accompany notice of hearing)	As if for “section 53C(7)” there were substituted “section 172I(7)”.

- (7) Regulation 2(3A) of the Licensing Act 2003 (Licensing authority’s register) (other information) Regulations (S.I. 2005/43) applies in relation to an application for an off-sales review under section 172G as it applies in relation to an application for a review under section 53A but as if for the words from “that it has been made” to the end there were substituted “the ground or grounds for the review”.

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**Modifications etc. (not altering text)**

- C2** S. 172K(3): power to amend conferred (22.7.2020) by [Business and Planning Act 2020 \(c. 16\)](#), ss. [11\(12\)](#), [25\(1\)](#)

**172L Sections 172F to 172K: supplementary** **E+W**

- (1) In sections [172F](#) to [172J](#)—
- (a) “relevant licensing authority”, in relation to any licensed premises, has the same meaning as in Part 3;
  - (b) “responsible authority”, in relation to any licensed premises, has the same meaning as in Part 3;
  - (c) references to an authorisation granted by virtue of section [172F\(2\)](#) include the condition or conditions to which that authorisation is subject.
- (2) In sections [172G](#) to [172J](#)—
- “off-sales authorised by virtue of section [172F\(2\)](#)”, in relation to a premises licence, has the meaning given in section [172G\(5\)](#);
  - “section [172F\(5\)](#) condition”, in relation to a premises licence, has the meaning given in section [172G\(6\)](#);
  - “the relevant period” has the same meaning as in section [172F](#).
- (3) For the purposes of sections [172H\(3\)\(a\)](#), [172I\(3\)\(a\)](#) and [172J\(3\)\(a\)](#) the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added.]

*Exemptions etc.*

**173 Activities in certain locations not licensable** **E+W**

- (1) An activity is not a licensable activity if it is carried on—
- (a) aboard an aircraft, hovercraft or railway vehicle engaged on a journey,
  - (b) aboard a vessel engaged on an international journey,
  - (c) at an approved wharf at a designated port or hoverport,
  - (d) at an examination station at a designated airport,
  - (e) at a royal palace,
  - (f) at premises which, at the time when the activity is carried on, are permanently or temporarily occupied for the purposes of the armed forces of the Crown,
  - (g) at premises in respect of which a certificate issued under section 174 (exemption for national security) has effect, or
  - (h) at such other place as may be prescribed.
- (2) For the purposes of subsection (1) the period during which an aircraft, hovercraft, railway vehicle or vessel is engaged on a journey includes—
- (a) any period ending with its departure when preparations are being made for the journey, and
  - (b) any period after its arrival at its destination when it continues to be occupied by those (or any of those) who made the journey (or any part of it).

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- (3) The Secretary of State may by order designate a port, hoverport or airport for the purposes of subsection (1), if it appears to him to be one at which there is a substantial amount of international passenger traffic.
- (4) Any port, airport or hoverport where section 86A or 87 of the Licensing Act 1964 (c. 26) is in operation immediately before the commencement of this section is, on and after that commencement, to be treated for the purposes of subsection (1) as if it were designated.
- (5) But provision may by order be made for subsection (4) to cease to have effect in relation to any port, airport or hoverport.
- (6) For the purposes of this section—
  - “approved wharf” has the meaning given by section 20A of the Customs and Excise Management Act 1979 (c. 2);
  - “designated” means designated by an order under subsection (3);
  - “examination station” has the meaning given by section 22A of that Act;
  - “international journey” means—
    - (a) a journey from a place in the United Kingdom to an immediate destination outside the United Kingdom, or
    - (b) a journey from a place outside the United Kingdom to an immediate destination in the United Kingdom; and
  - “railway vehicle” has the meaning given by section 83 of the Railways Act 1993 (c. 43).

#### Commencement Information

- II** S. 173(1)(h)(3)(5) in force at 16.12.2003 by [S.I. 2003/3222](#), [art. 2](#), [Sch.](#); s. 173(1)(a)-(g)(2)(4)(6) in force at 24.11.2005 by [S.I. 2005/3056](#), [art. 2\(2\)](#) (with [Sch.](#))

#### 174 Certifying of premises on grounds of national security **E+W**

- (1) A Minister of the Crown may issue a certificate under this section in respect of any premises, if he considers that it is appropriate to do so for the purposes of safeguarding national security.
- (2) A certificate under this section may identify the premises in question by means of a general description.
- (3) A document purporting to be a certificate under this section is to be received in evidence and treated as being a certificate under this section unless the contrary is proved.
- (4) A document which purports to be certified by or on behalf of a Minister of the Crown as a true copy of a certificate given by a Minister of the Crown under this section is evidence of that certificate.
- (5) A Minister of the Crown may cancel a certificate issued by him, or any other Minister of the Crown, under this section.
- (6) The powers conferred by this section on a Minister of the Crown may be exercised only by a Minister who is a member of the Cabinet or by the Attorney General.



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- (7) In this section “Minister of the Crown” has the meaning given by the Ministers of the Crown Act 1975 (c. 26).

**[<sup>F6</sup>175 Exemption for incidental <sup>F7</sup>... lottery **E+W****

- (1) The promotion of a lottery to which this section applies shall not constitute a licensable activity by reason only of one or more of the prizes in the lottery consisting of or including alcohol, provided that the alcohol is in a sealed container.
- (2) This section applies to an incidental <sup>F8</sup>... lottery (within the meaning of Part 1 of Schedule 11 to the Gambling Act 2005).]

**Textual Amendments**

- F6** S. 175 substituted (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), ss. 356, 358, **Sch. 16 para. 20(2)** (with ss. 352, 354); [S.I. 2006/3272](#), **art. 2(4)**
- F7** Word in s. 175 heading omitted (6.4.2016) by virtue of [The Legislative Reform \(Exempt Lotteries\) Order 2016 \(S.I. 2016/124\)](#), arts. 1(1), **4(2)(a)**
- F8** Word in s. 175(2) omitted (6.4.2016) by virtue of [The Legislative Reform \(Exempt Lotteries\) Order 2016 \(S.I. 2016/124\)](#), arts. 1(1), **4(2)(b)**

*Service areas and garages etc.*

**176 Prohibition of alcohol sales at service areas, garages etc. **E+W****

- (1) No premises licence, club premises certificate or temporary event notice has effect to authorise the sale by retail or supply of alcohol on or from excluded premises.
- (2) In this section “excluded premises” means—
- premises situated on land acquired or appropriated by a special road authority, and for the time being used, for the provision of facilities to be used in connection with the use of a special road provided for the use of traffic of class I (with or without other classes); or
  - premises used primarily as a garage or which form part of premises which are primarily so used.
- (3) The Secretary of State may by order amend the definition of excluded premises in subsection (2) so as to include or exclude premises of such description as may be specified in the order.
- (4) For the purposes of this section—
- “special road” and “special road authority” have the same meaning as in the Highways Act 1980 (c. 66), except that “special road” includes a trunk road to which (by virtue of paragraph 3 of Schedule 23 to that Act) the provisions of that Act apply as if the road were a special road,
  - “class I” means class I in Schedule 4 to the Highways Act 1980 as varied from time to time by an order under section 17 of that Act, but if that Schedule is amended by such an order so as to add to it a further class of traffic, the order may adapt the reference in subsection (2)(a) to traffic of class I so as to take account of the additional class, and

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- (c) premises are used as a garage if they are used for one or more of the following—
  - (i) the retailing of petrol,
  - (ii) the retailing of derv,
  - (iii) the sale of motor vehicles,
  - (iv) the maintenance of motor vehicles.

**Commencement Information**

**I2** S. 176(3) in force at 16.12.2003 by S.I. 2003/3222, art. 2, Sch.; s. 176(1)(2)(4) in force at 24.11.2005 by S.I. 2005/3056, art. 2 (with Sch.)

*Small premises*

**177 Dancing<sup>F9</sup> ... in certain small premises E+W**

- (1) Subsection (2) applies where—
  - (a) a premises licence authorises—
    - (i) the supply of alcohol for consumption on the premises, and
    - (ii) [<sup>F10</sup>dancing], and
  - (b) the premises—
    - (i) are used primarily for the supply of alcohol for consumption on the premises, and
    - (ii) have a permitted capacity of not more than 200 persons.
- (2) At any time when—
  - (a) the premises—
    - (i) are open for the purposes of being used for the supply of alcohol for consumption on the premises, and
    - (ii) are being used for [<sup>F11</sup>dancing], <sup>F12</sup>...
  - <sup>F12</sup>(b) .....  
 any licensing authority imposed condition of the premises licence which relates to [<sup>F11</sup>dancing] does not have effect <sup>F13</sup>... unless it falls within subsection (5) or (6).
  - <sup>F14</sup>(3) .....
  - <sup>F14</sup>(4) .....
- (5) A condition falls within this subsection if the premises licence specifies that the licensing authority which granted the licence considers the imposition of the condition [<sup>F15</sup>appropriate] on one or both of the following grounds—
  - (a) the prevention of crime and disorder,
  - (b) public safety.
- (6) A condition falls within this subsection if, on a review of the premises licence—
  - (a) it is altered so as to include a statement that this section does not apply to it, or
  - (b) it is added to the licence and includes such a statement.
- (7) This section applies in relation to a club premises certificate as it applies in relation to a premises licence except that, in the application of this section in relation to such a

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certificate, the definition of “licensing authority imposed condition” in subsection (8) has effect as if for “section 18(3)(b)” to the end there were substituted “section 72(3)(b) (but is not referred to in section 72(2)) or which is imposed by virtue of section 85(3)(b) or 88(3)”.

(8) In this section—

“licensing authority imposed condition” means a condition which is imposed by virtue of section 18(3)(b) (but is not referred to in section 18(2)(a)) or which is imposed by virtue of 35(3)(b), 52(3) or 167(5)(b) or in accordance with section 21;

“<sup>F16</sup>dancing” means—

(a) entertainment of a description falling within, or of a similar description to that falling within, paragraph 2(1)<sup>F17</sup> ... (g) of Schedule 1,<sup>F18</sup> ...

(b)<sup>F18</sup> ...

“permitted capacity”, in relation to any premises, means—

(a)<sup>F19</sup> .....

(b)<sup>F20</sup> ... the limit on the number of persons who may be on the premises at any one time in accordance with a recommendation made by, or on behalf of, the [<sup>F21</sup>fire and rescue authority] for the area in which the premises are situated (or, if the premises are situated in the area of more than one [<sup>F21</sup>fire and rescue authority], those authorities); and

“supply of alcohol” means—

(a) the sale by retail of alcohol, or

(b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

#### Textual Amendments

**F9** Words in s. 177 heading omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\)](#), **ss. 1(1)(e)**, 4(2); [S.I. 2012/2115](#), art. 2

**F10** Word in s. 177(1) substituted (1.10.2012) by [Live Music Act 2012 \(c. 2\)](#), **ss. 1(1)(a)**, 4(2); [S.I. 2012/2115](#), art. 2

**F11** Word in s. 177(2) substituted (1.10.2012) by [Live Music Act 2012 \(c. 2\)](#), **ss. 1(1)(a)**, 4(2); [S.I. 2012/2115](#), art. 2

**F12** S. 177(2)(b) and word omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\)](#), **ss. 1(1)(b)(i)**, 4(2); [S.I. 2012/2115](#), art. 2

**F13** Words in s. 177(2) omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\)](#), **ss. 1(1)(b)(ii)**, 4(2); [S.I. 2012/2115](#), art. 2

**F14** S. 177(3)(4) omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\)](#), **ss. 1(1)(c)**, 4(2); [S.I. 2012/2115](#), art. 2

**F15** Word in s. 177(5) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 109(14)**, 157(1) (with s. 109(15)); [S.I. 2012/1129](#), art. 2(d)

**F16** Word in s. 177(8) substituted (1.10.2012) by [Live Music Act 2012 \(c. 2\)](#), **ss. 1(1)(d)(i)**, 4(2); [S.I. 2012/2115](#), art. 2

**F17** Words in s. 177(8) omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\)](#), **ss. 1(1)(d)(i)**, 4(2); [S.I. 2012/2115](#), art. 2

**F18** Words in s. 177(8) omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\)](#), **ss. 1(1)(d)(ii)**, 4(2); [S.I. 2012/2115](#), art. 2

**F19** S. 177(8): para. (a) in definition of “permitted capacity” omitted (1.10.2006) by virtue of [The Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\)](#), art. 53(1), **Sch. 2 para. 50(3)(a)** (as

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amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006 \(S.I. 2006/484\)](#), [arts. 1\(1\), 2](#)

**F20** S. 177(8): words in para. (b) in definition of "permitted capacity" omitted (1.10.2006) by virtue of [The Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\)](#), [art. 53\(1\)](#), [Sch. 2 para. 50\(3\)\(b\)](#) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006 \(S.I. 2006/484\)](#), [arts. 1\(1\), 2](#))

**F21** S. 177(8): words in definition of "permitted capacity" substituted (7.9.2004 for E. for certain purposes and 1.10.2004 otherwise and 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), [ss. 53, 61](#), [Sch. 1 para. 98\(2\)\(3\)\(d\)](#); [S.I. 2004/2304](#), [art. 2\(1\){\(2\)}](#); [S.I. 2004/2917](#), [art. 2](#)

## [<sup>F22</sup>177A Licence review for live [<sup>F23</sup>and recorded] music **E+W**

[<sup>F24</sup>(1) Subsection (2) applies where—

- (a) music takes place on premises which are authorised by a premises licence or club premises certificate to be used for the supply of alcohol for consumption on the premises,
- (b) at the time of the music, the premises are open for the purposes of being used for the supply of alcohol for consumption on the premises,
- (c) if the music is amplified, it takes place in the presence of an audience of no more than 500 persons, and
- (d) the music takes place between 8am and 11pm on the same day (or, where an order under section 172 has effect in relation to music, during any times specified under that order).]

(2) Any condition of the premises licence or club premises certificate which relates to live music [<sup>F25</sup>recorded music or both does not have effect in relation to the music] unless it falls within subsection (3) or is added to the licence in accordance with subsection (4).

(3) A condition falls within this subsection if, on a review of the premises licence or club premises certificate it is altered so as to include a statement that this section does not apply to it.

(4) On a review of a premises licence or club premises certificate a licensing authority may (without prejudice to any other steps available to it under this Act) add a condition relating to <sup>F26</sup>... music as if—

- (a) the <sup>F26</sup>... music were regulated entertainment, and
- (b) the licence or certificate licensed the <sup>F26</sup>... music.

[ This section does not apply to music which, by virtue of a provision other than <sup>F27</sup>(4A) paragraph 12A or 12C of Schedule 1, is not regarded as the provision of regulated entertainment for the purposes of this Act.]

(5) In this section—

“condition” means a condition—

- (a) included in a premises licence by virtue of section 18(2)(a) or (3)(b), 35(3)(b), 52(3) or 167(5)(b),
- (b) included in a club premises certificate by virtue of section 72(2)(a) or (3)(b), 85(3)(b) or 88(3),
- (c) added to a premises licence by virtue of its inclusion in an application to vary the licence in accordance with section 34 or 41A which is granted under section 35(2) or 41B(3) (as the case may be), or

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- (d) added to a club premises certificate by virtue of its inclusion in an application to vary the certificate in accordance with section 84 or 86A which is granted under section 85(2) or 86B(3) (as the case may be);
- “live music” means entertainment of a description falling within, or of a similar description to that falling within, paragraph 2(1)(e) of Schedule 1;
- [<sup>F28</sup>“music” means live music or recorded music or both;]
- [<sup>F28</sup>“recorded music” means entertainment of a description falling within, or of a similar description to that falling within, paragraph 2(1)(f) of Schedule 1; and]
- “supply of alcohol” means—
- (a) the sale by retail of alcohol, or
- (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.]

#### Textual Amendments

- F22** S. 177A inserted (1.10.2012) by [Live Music Act 2012 \(c. 2\)](#), **ss. 1(2)**, 4(2); [S.I. 2012/2115](#), art. 2
- F23** Words in s. 177A heading inserted (6.4.2015) by [The Legislative Reform \(Entertainment Licensing\) Order 2014 \(S.I. 2014/3253\)](#), arts. 1(1), **2(2)**
- F24** S. 177A(1) substituted (6.4.2015) by [The Legislative Reform \(Entertainment Licensing\) Order 2014 \(S.I. 2014/3253\)](#), arts. 1(1), **2(3)**
- F25** Words in s. 177A(2) substituted (6.4.2015) by [The Legislative Reform \(Entertainment Licensing\) Order 2014 \(S.I. 2014/3253\)](#), arts. 1(1), **2(4)**
- F26** Word in s. 177A(4) omitted (6.4.2015) by virtue of [The Legislative Reform \(Entertainment Licensing\) Order 2014 \(S.I. 2014/3253\)](#), arts. 1(1), **2(5)**
- F27** S. 177A(4A) inserted (6.4.2015) by [The Legislative Reform \(Entertainment Licensing\) Order 2014 \(S.I. 2014/3253\)](#), arts. 1(1), **2(6)**
- F28** Words in s. 177A(5) inserted (6.4.2015) by [The Legislative Reform \(Entertainment Licensing\) Order 2014 \(S.I. 2014/3253\)](#), arts. 1(1), **2(7)**

#### *Rights of freeholders etc.*

### **178 Right of freeholder etc. to be notified of licensing matters** **E+W**

- (1) This section applies where—
- (a) a person with a property interest in any premises situated in the area of a licensing authority gives notice of his interest to that authority, and
- (b) the notice is in the prescribed form and accompanied by the prescribed fee.
- (2) The notice has effect for a period of 12 months beginning with the day it is received by the licensing authority.
- (3) If a change relating to the premises to which the notice relates is made to the register at a time when the notice has effect, the licensing authority must forthwith notify the person who gave the notice—
- (a) of the application, notice or other matter to which the change relates, and
- (b) of his right under section 8 to request a copy of the information contained in any entry in the register.
- (4) For the purposes of this section a person has a property interest in premises if—

*Status: Point in time view as at 22/07/2020.*

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- (a) he has a legal interest in the premises as freeholder or leaseholder,
  - (b) he is a legal mortgagee (within the meaning of the Law of Property Act 1925 (c. 20)) in respect of the premises,
  - (c) he is in occupation of the premises, or
  - (d) he has a prescribed interest in the premises.
- (5) In this section—
- (a) a reference to premises situated in the area of a licensing authority includes a reference to premises partly so situated, and
  - (b) “register” means the register kept under section 8 by the licensing authority mentioned in subsection (1)(a).

#### Commencement Information

- I3** S. 178(1)(b)(4)(d) in force at 16.12.2003 by S.I. 2003/3222, art. 2, Sch.; s. 178 otherwise in force at 7.2.2005 by S.I. 2004/2360, art. 2, Sch.

### *Rights of entry*

#### **179 Rights of entry to investigate licensable activities** **E+W**

- (1) Where a constable or an authorised person has reason to believe that any premises are being, or are about to be, used for a licensable activity, he may enter the premises with a view to seeing whether the activity is being, or is to be, carried on under and in accordance with an authorisation.
- [<sup>F29</sup>(1A) Where an immigration officer has reason to believe that any premises are being used for a licensable activity within section 1(1)(a) or (d), the officer may enter the premises with a view to seeing whether an offence under any of the Immigration Acts is being committed in connection with the carrying on of the activity.]
- (2) An authorised person [<sup>F30</sup>or an immigration officer] exercising [<sup>F31</sup>a power] conferred by this section must, if so requested, produce evidence of his authority to exercise the power.
- (3) A person exercising [<sup>F32</sup>a power] conferred by this section may, if necessary, use reasonable force.
- (4) A person commits an offence if he intentionally obstructs an authorised person [<sup>F33</sup>or an immigration officer] exercising a power conferred by this section.
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) In this section—
- “authorisation” means—
    - (a) a premises licence,
    - (b) a club premises certificate, or
    - (c) a temporary event notice in respect of which the conditions of section 98(2) to (4) are satisfied; <sup>F34</sup>...
  - “authorised person” means an authorised person within the meaning of Part 3 or 4 or an authorised officer within the meaning of section 108(5).

*Status: Point in time view as at 22/07/2020.*

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[<sup>F35cc</sup>“immigration officer” means a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971.]

- (7) Nothing in this section applies in relation to premises in respect of which there is a club premises certificate but no other authorisation.

#### Textual Amendments

- F29** S. 179(1A) inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 22(2)**; S.I. 2017/380, reg. 2(b)
- F30** Words in s. 179(2) inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 22(3)(a)**; S.I. 2017/380, reg. 2(b)
- F31** Words in s. 179(2) substituted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 22(3)(b)**; S.I. 2017/380, reg. 2(b)
- F32** Words in s. 179(3) substituted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 22(4)**; S.I. 2017/380, reg. 2(b)
- F33** Words in s. 179(4) inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 22(5)**; S.I. 2017/380, reg. 2(b)
- F34** Word in s. 179(6) omitted (6.4.2017) by virtue of Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 22(6)(a)**; S.I. 2017/380, reg. 2(b)
- F35** Words in s. 179(6) inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 22(6)(b)**; S.I. 2017/380, reg. 2(b)

## 180 Right of entry to investigate offences **E+W**

- (1) A constable may enter and search any premises in respect of which he has reason to believe that an offence under this Act has been, is being or is about to be committed.
- (2) A constable exercising a power conferred by this section may, if necessary, use reasonable force.

#### Modifications etc. (not altering text)

- C3** S. 180 extended (1.1.2006) by 2002 c. 30, Sch. 4 para. 8A (as inserted by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 9**); S.I. 2005/3495, **art. 2(1)** (subject to art. 2(2))

### Appeals

## 181 Appeals against decisions of licensing authorities **E+W**

- (1) Schedule 5 (which makes provision for appeals against decisions of licensing authorities) has effect.
- (2) On an appeal in accordance with that Schedule against a decision of a licensing authority, a magistrates' court may—
- dismiss the appeal,
  - substitute for the decision appealed against any other decision which could have been made by the licensing authority, or
  - remit the case to the licensing authority to dispose of it in accordance with the direction of the court,

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and may make such order as to costs as it thinks fit.

#### Commencement Information

- I4** S. 181 in force for certain purposes at 7.2.2005 and for certain further purposes at 7.8.2005 and 24.11.2005 otherwise by [S.I. 2004/2360, art. 2, Sch.](#); [S.I. 2005/2090, art. 2, Sch.](#); [S.I. 2005/3056, art. 2](#) (with [Sch.](#))

*Guidance, hearings etc.*

## 182 Guidance **E+W**

(1) The Secretary of State must issue guidance (“the licensing guidance”) to licensing authorities on the discharge of their functions under this Act.

<sup>F36</sup>(2) .....

(3) The Secretary of State may, from time to time, revise the licensing guidance.

<sup>F37</sup>(4) .....

<sup>F37</sup>(5) .....

<sup>F37</sup>(6) .....

(7) The Secretary of State must arrange for any guidance issued or revised under this section to be published in such manner as he considers appropriate.

#### Textual Amendments

**F36** S. 182(2) omitted (31.1.2017 for specified purposes, 6.4.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\), ss. 140, 183\(1\)\(5\)\(e\)](#); [S.I. 2017/399, reg. 3\(f\)](#)

**F37** S. 182(4)-(6) omitted (31.1.2017 for specified purposes, 6.4.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\), ss. 140, 183\(1\)\(5\)\(e\)](#); [S.I. 2017/399, reg. 3\(f\)](#)

## 183 Hearings **E+W**

(1) Regulations may prescribe the procedure to be followed in relation to a hearing held by a licensing authority under this Act and, in particular, may—

- (a) require a licensing authority to give notice of hearings to such persons as may be prescribed;
- (b) make provision for expedited procedures in urgent cases;
- (c) make provision about the rules of evidence which are to apply to hearings;
- (d) make provision about the legal representation at hearings of the parties to it;
- (e) prescribe the period within which an application, in relation to which a hearing has been held, must be determined or any other step in the procedure must be taken.

(2) But a licensing authority may not make any order as to the costs incurred by a party in connection with a hearing under this Act.



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#### Commencement Information

- I5** S. 183(1) in force at 16.12.2003 by S.I. 2003/3222, art. 2, Sch.; s. 183(2) in force at 7.2.2005 by S.I. 2004/2360, art. 2, Sch.

### 184 Giving of notices, etc. **E+W**

- (1) This section has effect in relation to any document required or authorised by or under this Act to be given to any person (“relevant document”).
- (2) Where that person is a licensing authority, the relevant document must be given by addressing it to the authority and leaving it at or sending it by post to—
  - (a) the principal office of the authority, or
  - (b) any other office of the authority specified by it as one at which it will accept documents of the same description as that document.
- (3) In any other case the relevant document may be given to the person in question by delivering it to him, or by leaving it at his proper address, or by sending it by post to him at that address.
- (4) A relevant document may—
  - (a) in the case of a body corporate (other than a licensing authority), be given to the secretary or clerk of that body;
  - (b) in the case of a partnership, be given to a partner or a person having the control or management of the partnership business;
  - (c) in the case of an unincorporated association (other than a partnership), be given to an officer of the association.
- (5) For the purposes of this section and section 7 of the Interpretation Act 1978 (c. 30) (service of documents by post) in its application to this section, the proper address of any person to whom a relevant document is to be given is his last known address, except that—
  - (a) in the case of a body corporate or its secretary or clerk, it is the address of the registered office of that body or its principal office in the United Kingdom,
  - (b) in the case of a partnership, a partner or a person having control or management of the partnership business, it is that of the principal office of the partnership in the United Kingdom, and
  - (c) in the case of an unincorporated association (other than a partnership) or any officer of the association, it is that of its principal office in the United Kingdom.
- (6) But if a relevant document is given to a person in his capacity as the holder of a premises licence, club premises certificate or personal licence, or as the designated premises supervisor under a premises licence, his relevant registered address is also to be treated, for the purposes of this section and section 7 of the Interpretation Act 1978 (c. 30), as his proper address.
- (7) In subsection (6) “relevant registered address”, in relation to such a person, means the address given for that person in the record for the licence or certificate (as the case may be) which is contained in the register kept under section 8 by the licensing authority which granted the licence or certificate.

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- (8) The following provisions of the Local Government Act 1972 (c. 70) do not apply in relation to the service of a relevant document—
- (a) section 231 (service of notices on local authorities etc.),
  - (b) section 233 (service of notices by local authorities).

## 185 Provision of information **E+W**

- (1) This section applies to information which is held by or on behalf of a licensing authority or a responsible authority (including information obtained by or on behalf of the authority before the coming into force of this section).
- (2) Information to which this section applies may be supplied—
  - (a) to a licensing authority, or
  - (b) to a responsible authority,
 for the purposes of facilitating the exercise of the authority's functions under this Act.
- (3) Information obtained by virtue of this section must not be further disclosed except to a licensing authority or responsible authority for the purposes mentioned in subsection (2).
- (4) In this section “responsible authority” means a responsible authority within the meaning of Part 3 or 4.

### *General provisions about offences*

## 186 Proceedings for offences **E+W**

- (1) In this section “offence” means an offence under this Act.
- (2) Proceedings for an offence may be instituted—
  - (a) [<sup>F38</sup>except in the case of an offence under section 147A,] by a licensing authority,
  - (b) by the Director of Public Prosecutions, or
  - (c) in the case of an offence under section 146 [<sup>F39</sup>, 147 or 147A](sale of alcohol to children), by a local weights and measures authority (within the meaning of section 69 of the Weights and Measures Act 1985 (c. 72)).
- (3) In relation to any offence, section 127(1) of the Magistrates' Courts Act 1980 (information to be laid within six months of offence) is to have effect as if for the reference to six months there were substituted a reference to 12 months.

### Textual Amendments

**F38** Words in s. 186(2)(a) inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [ss. 23\(2\)\(a\)](#), [66\(2\)\(3\)](#); S.I. 2007/858, [art. 2\(a\)](#)

**F39** Words in s. 186(2)(c) substituted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [ss. 23\(2\)\(b\)](#), [66\(2\)\(3\)](#); S.I. 2007/858, [art. 2\(a\)](#)

## 187 Offences by bodies corporate etc. **E+W**

- (1) If an offence committed by a body corporate is shown—

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- (a) to have been committed with the consent or connivance of an officer, or
  - (b) to be attributable to any neglect on his part,the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) If the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body.
- (3) In subsection (1) “officer”, in relation to a body corporate, means—
  - (a) a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity, or
  - (b) an individual who is a controller of the body.
- (4) If an offence committed by a partnership is shown—
  - (a) to have been committed with the consent or connivance of a partner, or
  - (b) to be attributable to any neglect on his part,the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.
- (5) In subsection (4) “partner” includes a person purporting to act as a partner.
- (6) If an offence committed by an unincorporated association (other than a partnership) is shown—
  - (a) to have been committed with the consent or connivance of an officer of the association or a member of its governing body, or
  - (b) to be attributable to any neglect on the part of such an officer or member,that officer or member as well as the association is guilty of the offence and liable to be proceeded against and punished accordingly.
- (7) Regulations may provide for the application of any provision of this section, with such modifications as the Secretary of State considers appropriate, to a body corporate or unincorporated association formed or recognised under the law of a territory outside the United Kingdom.
- (8) In this section “offence” means an offence under this Act.

#### Commencement Information

**I6** S. 187(7) in force at 16.12.2003 by [S.I. 2003/3222, art. 2, Sch.](#); s. 187(1)-(6)(8) in force at 7.2.2005 by [S.I. 2004/2360, art. 2, Sch.](#)

## 188 Jurisdiction and procedure in respect of offences E+W

- (1) A fine imposed on an unincorporated association on its conviction for an offence is to be paid out of the funds of the association.
- (2) Proceedings for an offence alleged to have been committed by an unincorporated association must be brought in the name of the association (and not in that of any of its members).

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- (3) Rules of court relating to the service of documents are to have effect as if the association were a body corporate.
- (4) In proceedings for an offence brought against an unincorporated association, section 33 of the Criminal Justice Act 1925 (c. 86) and Schedule 3 to the Magistrates' Courts Act 1980 (c. 43) (procedure) apply as they do in relation to a body corporate.
- (5) Proceedings for an offence may be taken—
  - (a) against a body corporate or unincorporated association at any place at which it has a place of business;
  - (b) against an individual at any place where he is for the time being.
- (6) Subsection (5) does not affect any jurisdiction exercisable apart from this section.
- (7) In this section “offence” means an offence under this Act.

*Vessels, vehicles and moveable structures*

**189 Vessels, vehicles and moveable structures** **E+W**

- (1) This Act applies in relation to a vessel which is not permanently moored or berthed as if it were premises situated in the place where it is usually moored or berthed.
- (2) Where a vehicle which is not permanently situated in the same place is, or is proposed to be, used for one or more licensable activities while parked at a particular place, the vehicle is to be treated for the purposes of this Act as if it were premises situated at that place.
- (3) Where a moveable structure which is not permanently situated in the same place is, or is proposed to be, used for one or more licensable activities while set in a particular place, the structure is to be treated for the purposes of this Act as if it were premises situated at that place.
- (4) Where subsection (2) applies in relation to the same vehicle, or subsection (3) applies in relation to the same structure, in respect of more than one place, the premises which by virtue of that subsection are situated at each such place are to be treated as separate premises.
- (5) Sections 29 to 31 (which make provision in respect of provisional statements relating to premises licences) do not apply in relation to a vessel, vehicle or structure to which this section applies.

*Interpretation*

**190 Location of sales** **E+W**

- (1) This section applies where the place where a contract for the sale of alcohol is made is different from the place where the alcohol is appropriated to the contract.
- (2) For the purposes of this Act the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract.

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## 191 Meaning of “alcohol” **E+W**

(1) In this Act, “alcohol” means spirits, wine, beer, cider or any other fermented, distilled or spirituous liquor [<sup>F40</sup>(in any state)], but does not include—

- (a) alcohol which is of a strength not exceeding 0.5% at the time of the sale or supply in question,
- (b) perfume,
- (c) flavouring essences recognised by the Commissioners of Customs and Excise as not being intended for consumption as or with dutiable alcoholic liquor,
- (d) the aromatic flavouring essence commonly known as Angostura bitters,
- (e) alcohol which is, or is included in, a medicinal product [<sup>F41</sup>or a veterinary medicinal product],
- (f) denatured alcohol,
- (g) methyl alcohol,
- (h) naphtha, or
- (i) alcohol contained in liqueur confectionery.

(2) In this section—

“denatured alcohol” has the same meaning as in section 5 of the Finance Act 1995 (c. 4);

“dutiable alcoholic liquor” has the same meaning as in the Alcoholic Liquor Duties Act 1979 (c. 4);

“liqueur confectionery” means confectionery which—

- (a) contains alcohol in a proportion not greater than 0.2 litres of alcohol (of a strength not exceeding 57%) per kilogram of the confectionery, and
- (b) either consists of separate pieces weighing not more than 42g or is designed to be broken into such pieces for the purpose of consumption;

“medicinal product” has the same meaning as in section 130 of the Medicines Act 1968 (c. 67); and

“strength” is to be construed in accordance with section 2 of the Alcoholic Liquor Duties Act 1979.

[<sup>F42</sup>“veterinary medicinal product” has the same meaning as in regulation 2 of the Veterinary Medicines Regulations 2006]

### Textual Amendments

**F40** Words in s. 191(1) inserted (31.1.2017 for specified purposes, 6.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 135**, 183(1)(5)(e); S.I. 2017/399, reg. 3(a)

**F41** Words in s. 191(1)(e) inserted (1.10.2006) by [The Veterinary Medicines Regulations 2006 \(S.I. 2006/2407\)](#), reg. 44(3), **Sch. 9 Pt. 1 para. 13(a)** (with reg. 3)

**F42** S. 191(2): definition of “veterinary medical product” inserted (1.10.2006) by [The Veterinary Medicines Regulations 2006 \(S.I. 2006/2407\)](#), reg. 44(3), **Sch. 9 Pt. 1 para. 13(b)** (with reg. 3)

## 192 Meaning of “sale by retail” **E+W**

(1) For the purposes of this Act “sale by retail”, in relation to any alcohol, means a sale of alcohol to any person, other than a sale of alcohol that—

- (a) is within subsection (2),

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- (b) is made from premises owned by the person making the sale, or occupied by him under a lease to which the provisions of Part 2 of the Landlord and Tenant Act 1954 (c. 56) (security of tenure) apply, and
  - (c) is made for consumption off the premises.
- (2) A sale of alcohol is within this subsection if it is—
- (a) to a trader for the purposes of his trade,
  - (b) to a club, which holds a club premises certificate, for the purposes of that club,
  - (c) to the holder of a personal licence for the purpose of making sales authorised by a premises licence,
  - (d) to the holder of a premises licence for the purpose of making sales authorised by that licence, or
  - (e) to the premises user in relation to a temporary event notice for the purpose of making sales authorised by that notice.

#### [<sup>F43</sup>192A Entitlement to work in the United Kingdom **E+W**

- (1) For the purposes of this Act an individual is entitled to work in the United Kingdom if—
- (a) the individual does not under the Immigration Act 1971 require leave to enter or remain in the United Kingdom, or
  - (b) the individual has been granted such leave and the leave—
    - (i) is not invalid,
    - (ii) has not ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), and
    - (iii) is not subject to a condition preventing the individual from doing work relating to the carrying on of a licensable activity within section 1(1)(a) or (d).
- (2) Where an individual is on immigration bail within the meaning of Part 1 of Schedule 10 to the Immigration Act 2016—
- (a) the individual is to be treated for the purposes of subsection (1) as if the individual had been granted leave to enter the United Kingdom, but
  - (b) any condition as to the individual's work in the United Kingdom to which the individual's immigration bail is subject is to be treated for those purposes as a condition of leave.]

#### Textual Amendments

**F43** S. 192A inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 4 para. 1](#); S.I. 2017/380, reg. 2(b) (with [reg. 3](#))

#### 193 Other definitions **E+W**

[<sup>F44</sup>(1)] In this Act—

“beer” has the same meaning as in the Alcoholic Liquor Duties Act 1979 (c. 4);

“cider” has the same meaning as in that Act;

[<sup>F45</sup>“community premises” means premises that are or form part of—

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- (a) a church hall, chapel hall or other similar building, or
  - (b) a village hall, parish hall, community hall or other similar building;]
- “crime prevention objective” means the licensing objective mentioned in section 4(2)(a) (prevention of crime and disorder);
- “licensed premises” means premises in respect of which a premises licence has effect;
- “licensing functions” is to be construed in accordance with section 4(1);
- [<sup>F46</sup>“management committee”, in relation to any community premises, means a committee or board of individuals with responsibility for the management of the premises;]
- “order”, except so far as the contrary intention appears, means an order made by the Secretary of State;
- “premises” means any place and includes a vehicle, vessel or moveable structure;
- “prescribed” means prescribed by regulations;
- “recognised club” means a club which satisfies conditions 1 to 3 of the general conditions in section 62;
- “regulations” means regulations made by the Secretary of State;
- [<sup>F47</sup>“relevant electronic facility” means—
- (a) the electronic assistance facility referred to in regulation 38 of the Provision of Services Regulations 2009, or
  - (b) any facility established and maintained by a licensing authority for the purpose of receiving applications, notices or representations electronically;]
- “vehicle” means a vehicle intended or adapted for use on roads;
- “vessel” includes a ship, boat, raft or other apparatus constructed or adapted for floating on water;
- “wine” means—
- (a) “wine” within the meaning of the Alcoholic Liquor Duties Act 1979, and
  - (b) “made-wine” within the meaning of that Act;
- “working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 (c. 80) in England and Wales.

For the purposes of references in this Act to the prevention of illegal working in licensed premises, a person is working illegally if by doing that work at that time the person is committing an offence under section 24B of the Immigration Act 1971.

[<sup>F48</sup>(2) For the purposes of references in this Act to the prevention of illegal working in licensed premises, a person is working illegally if by doing that work at that time the person is committing an offence under section 24B of the Immigration Act 1971.]

#### Textual Amendments

- F44** S. 193 renumbered as s. 193(1) (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 4 para. 30\(2\)](#); [S.I. 2017/380](#), reg. 2(b)
- F45** S. 193: definition of "community premises" inserted (29.7.2009) by [The Legislative Reform \(Supervision of Alcohol Sales in Church and Village Halls &c.\) Order 2009 \(S.I. 2009/1724\)](#), [art. 6\(1\)\(a\)](#)

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- F46** S. 193: definition of "management committee" inserted (29.7.2009) by [The Legislative Reform \(Supervision of Alcohol Sales in Church and Village Halls &c.\) Order 2009 \(S.I. 2009/1724\)](#), **art. 6(1)(b)**
- F47** S. 193: definition of "relevant electronic facility" inserted (28.12.2009) by [The Provision of Services Regulations 2009 \(S.I. 2009/2999\)](#), **reg. 49(14)** (with regs. 2, 5)
- F48** S. 193(2) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 4 para. 30(3)**; S.I. 2017/380, reg. 2(b)

## 194 Index of defined expressions **E+W**

In this Act the following expressions are defined or otherwise explained by the provisions indicated—

<i>Expression</i>	<i>Interpretation provision</i>
alcohol	section 191
associate member	section 67(2)
authorised person, in Part 3	section 13
authorised person, in Part 4	section 69
beer	section 193
cider	section 193
club premises certificate	section 60
[ <sup>F49</sup> community premises	section 193]
conviction, in Part 6	section 114
crime prevention objective	section 193
designated premises supervisor	section 15
[ <sup>F50</sup> entitled to work in the United Kingdom	section 192A]
foreign offence, in Part 6	section 113
given, in relation to a notice, etc.	section 184
guest	section 67(1)
<sup>F51</sup>	<sup>F51</sup>
...	...
<sup>F52</sup>	<sup>F52</sup>
...	...
[ <sup>F50</sup> immigration offence	section 113]
[ <sup>F50</sup> immigration penalty (and required to pay, in relation to an immigration penalty)	section 113]
interim authority notice	section 47
late night refreshment	Schedule 2
[ <sup>F53</sup> late temporary event notice	section 100A(1)(b)]



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licensable activity	section 1(1)
licensed premises	section 193
licensing authority	section 3(1)
licensing authority's area	section 3(2)
licensing functions	sections 4(1) and 193
licensing objectives	section 4(2)
order	section 193
permitted temporary activity	section 98
personal licence	section 111(1)
premises	section 193
premises licence	section 11
premises user, in relation to a temporary event notice	section 100(2)
prescribed	section 193
provisional statement	section 29(3)
qualifying club	section 61
qualifying club activity	section 1(2)
recognised club	section 193
regulated entertainment	Schedule 1
regulations	section 193
[ <sup>F54</sup> relevant electronic facility	section 193]
relevant licensing authority, in Part 3	section 12
relevant licensing authority, in Part 4	section 68
relevant licensing authority, in Part 5	section 99
relevant licensing authority, in Part 6	section 112
relevant offence, in Part 6	section 113
[ <sup>F55</sup> relevant person, in Part 5	section 99A]
responsible authority, in Part 3	section 13
responsible authority, in Part 4	section 69
sale by retail, in relation to alcohol	section 192
secretary, in Part 4	section 70
[ <sup>F56</sup> standard temporary event notice	section 100A(1)(a)]
supply of alcohol, in Part 3	section 14
supply of alcohol to members or guests, in relation to a club, in Part 4	section 70
temporary event notice	section 100(1)

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vehicle	section 193
vessel	section 193
wine	section 193
working day	section 193
[ <sup>F50</sup> working illegally, in relation to the prevention of illegal working in licensed premises	section 193]

### Textual Amendments

- F49** Words in s. 194 inserted (29.7.2009) by [The Legislative Reform \(Supervision of Alcohol Sales in Church and Village Halls &c.\) Order 2009 \(S.I. 2009/1724\)](#), **art. 6(2)**
- F50** Words in s. 194 inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 4 para. 31**; S.I. 2017/380, **reg. 2(b)**
- F51** Words in s. 194 omitted (25.4.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 105(9)**, 157(1) (with s. 105(11)); S.I. 2012/1129, art. 2(d)
- F52** Words in s. 194 omitted (25.4.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 107(7)**, 157(1) (with s. 107(9)); S.I. 2012/1129, art. 2(d)
- F53** Words in s. 194 inserted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 114(11)(a)**, 157(1) (with s. 114(13)); S.I. 2012/1129, art. 2(d)
- F54** Words in s. 194 inserted (28.12.2009) by [The Provision of Services Regulations 2009 \(S.I. 2009/2999\)](#), **reg. 49(15)** (with **regs. 2, 5**)
- F55** Words in s. 194 inserted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 112(12)**, 157(1) (with s. 112(14)); S.I. 2012/1129, art. 2(d)
- F56** Words in s. 194 inserted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 114(11)(b)**, 157(1) (with s. 114(13)); S.I. 2012/1129, art. 2(d)

### *Supplementary and general*

#### 195 Crown application **E+W**

- (1) This Act binds the Crown and has effect in relation to land in which there is—
  - (a) an interest belonging to Her Majesty in right of the Crown,
  - (b) an interest belonging to a government department, or
  - (c) an interest held in trust for Her Majesty for the purposes of such a department.
- (2) This Act also applies to—
  - (a) land which is vested in, but not occupied by, Her Majesty in right of the Duchy of Lancaster, and
  - (b) land which is vested in, but not occupied by, the possessor for the time being of the Duchy of Cornwall.
- (3) No contravention by the Crown of any provision made by or under this Act makes the Crown criminally liable; but the High Court may declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (4) Provision made by or under this Act applies to persons in the public service of the Crown as it applies to other persons.

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(5) But nothing in this Act affects Her Majesty in Her private capacity.

**Modifications etc. (not altering text)**

C4 S. 195 applied (with modifications) (2.3.2020) by [Public Health \(Minimum Price for Alcohol\) \(Wales\) Act 2018 \(anaw 5\)](#), [ss. 23, 28\(2\)](#) (with [s. 23](#)); [S.I. 2020/175](#), [reg. 2\(b\)](#)

**196 Removal of privileges and exemptions** **E+W**

No privilege or exemption mentioned in section 199(a) or (b) of the Licensing Act 1964 (c. 26) (University of Cambridge and the Vintners of the City of London) operates to exempt any person from the requirements of this Act.

**197 Regulations and orders** **E+W**

(1) Any power of the Secretary of State to make regulations or an order under this Act is exercisable by statutory instrument.

(2) Regulations or an order under this Act—

- (a) may include incidental, supplementary, consequential or transitional provision or savings;
- (b) may make provision generally or only in relation to specified cases;
- (c) may make different provision for different purposes.

(3) A statutory instrument containing regulations or an order under this Act, other than one containing—

- (a) an order under section 5(2) (order appointing start of first period for which statement of licensing policy to be prepared),
- [<sup>F57</sup>(aa) an order under section 19A or 73B (orders in relation to mandatory licensing conditions),]
- (b) an order under section 100(8) (alteration of maximum temporary event period),
- (c) an order under section 107(12) (alteration of limit on number of temporary event notices),
- [<sup>F58</sup>(ca) an order under section 147A(9) (increase of maximum fine for offence of persistently selling alcohol to children) to which subsection (4A) applies;]
- (d) an order under section 172 (relaxation of opening hours for special occasions),
- (e) an order under section 176(3) (order amending definition of “excluded premises” where alcohol sales are prohibited),
- (f) an order under section 201 (commencement), or
- (g) an order under paragraph 4 of Schedule 1 (power to amend meaning of regulated entertainment),

is subject to annulment in pursuance of a resolution of either House of Parliament.

(4) A statutory instrument containing an order within [<sup>F59</sup>subsection (3)(aa), (b),], (c), [<sup>F60</sup>(ca),](d), (e) or (g) is not to be made unless a draft of the instrument containing the order has been laid before and approved by a resolution of each House of Parliament.

[<sup>F61</sup>(4A) This subsection applies to an order under section 147A(9) if it appears to the Secretary of State that the power to make the order is being exercised for purposes that are not

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confined to the increase of the maximum fine to take account of changes in the value of money.]

- (5) If a draft of an order within subsection (3)(d) would, apart from this subsection, be treated for the purposes of the Standing Orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not such an instrument.

#### Textual Amendments

- F57** S. 197(3)(aa) inserted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112, 116, [Sch. 7 para. 44\(2\)](#); [S.I. 2010/125](#), [art. 2\(t\)](#)
- F58** S. 197(3)(ca) inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), ss. [23\(3\)\(a\)](#), 66(2)(3); [S.I. 2007/858](#), [art. 2\(a\)](#)
- F59** Words in s. 197(4) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112, 116, [Sch. 7 para. 44\(3\)](#); [S.I. 2010/125](#), [art. 2\(t\)](#)
- F60** Word in s. 197(4) inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), ss. [23\(3\)\(b\)](#), 66(2)(3); [S.I. 2007/858](#), [art. 2\(a\)](#)
- F61** S. 197(4A) inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), ss. [23\(3\)\(c\)](#), 66(2)(3); [S.I. 2007/858](#), [art. 2\(a\)](#)

## 198 Minor and consequential amendments **E+W**

- (1) Schedule 6 (which makes minor and consequential amendments) has effect.
- (2) The Secretary of State may, in consequence of any provision of this Act or of any instrument made under it, by order make such amendments (including repeals or revocations) as appear to him to be appropriate in—
- (a) any Act passed, or
  - (b) any subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30) made,
- before that provision comes into force.

#### Commencement Information

- I7** S. 198(2) in force at 16.12.2003 by [S.I. 2003/3222](#), [art. 2](#), [Sch.](#); s. 198(1) in force at 24.11.2005 by [S.I. 2004/3056](#), [art. 2](#) (with [art. 3](#))

## 199 Repeals **E+W**

The enactments mentioned in Schedule 7 (which include provisions that are spent) are repealed to the extent specified.

#### Commencement Information

- I8** S. 199 in force for certain purposes at 17.7.2003 by [S.I. 2003/1911](#), [art. 2](#); s. 199 in force for certain further purposes at 10.9.2003 by [S.I. 2003/2100](#), [art. 2](#); s. 199 in force for certain further purposes at 24.11.2005 by [S.I. 2005/3056](#), [art. 2](#) (with [art. 4](#))

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## 200 Transitional provision etc. **E+W**

Schedule 8 (which makes transitional and transitory provision and savings) has effect.

### Commencement Information

- I9** S. 200 in force for certain purposes at 16.12.2003 by [S.I. 2003/3222](#), **art. 2**, **Sch.**; s. 200 in force for certain further purposes at 7.7.2004 by [S.I. 2004/1738](#), **art. 2**; s. 200 in force for certain further purposes at 7.2.2005 by [S.I. 2004/2360](#), **art. 2(1)**, **Sch.**; s. 200 otherwise in force at 24.11.2005 by [S.I. 2005/3056](#), **art. 2(2)** (with **Sch.**)

## 201 Short title, commencement and extent **E+W**

- (1) This Act may be cited as the Licensing Act 2003.
- (2) The preceding provisions (and the Schedules) come into force in accordance with provision made by order.
- (3) Subject to subsections (4) and (5), this Act extends to England and Wales only.
- (4) Section 155(1) also extends to Northern Ireland.
- (5) An amendment or repeal contained in Schedule 6 or 7 has the same extent as the enactment to which it relates.

### Subordinate Legislation Made

- P1** S. 200(2) power partly exercised: 17.7.2003 appointed for specified provisions by [{S.I. 2003/1911}](#), art. 2  
S. 200(2) power partly exercised: 10.9.2003 appointed for specified provisions by [{S.I. 2003/2100}](#), art. 2  
S. 200(2) power partly exercised: 16.12.2003 appointed for specified provisions by [{S.I. 2003/3222}](#), art. 2, **Sch.**  
S. 200(2) power partly exercised: 17.7.2004 appointed for specified provisions by [{S.I. 2004/1738}](#), art. 2  
S. 200(2) power partly exercised: 7.2.2005 appointed for specified provisions by [{S.I. 2004/2360}](#), art. 2  
S. 200(2) power partly exercised: 7.8.2005 appointed for specified provisions by [{S.I. 2005/2090}](#), art. 2, **Sch.**  
S. 200(2) power partly exercised: 10.11.2005 and 24.11.2005 appointed for specified provisions by [{S.I. 2005/3056}](#), art. 2 (with art. 3, **Sch.**)

**Status:**

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