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## SCHEDULES

### SCHEDULE 1 **E+W**

Section 1

#### PROVISION OF REGULATED ENTERTAINMENT

#### PART 1 **E+W**

##### GENERAL DEFINITIONS

###### *The provision of regulated entertainment*

- 1 (1) For the purposes of this Act the “provision of regulated entertainment” means the provision of—
- (a) entertainment of a description falling within paragraph 2, or
  - (b) entertainment facilities falling within paragraph 3,
- where the conditions in sub-paragraphs (2) and (3) are satisfied.
- (2) The first condition is that the entertainment is, or entertainment facilities are, provided—
- (a) to any extent for members of the public or a section of the public,
  - (b) exclusively for members of a club which is a qualifying club in relation to the provision of regulated entertainment, or for members of such a club and their guests, or
  - (c) in any case not falling within paragraph (a) or (b), for consideration and with a view to profit.
- (3) The second condition is that the premises on which the entertainment is, or entertainment facilities are, provided are made available for the purpose, or for purposes which include the purpose, of enabling the entertainment concerned (whether of a description falling within paragraph 2(1) or paragraph 3(2)) to take place.

To the extent that the provision of entertainment facilities consists of making premises available, the premises are to be regarded for the purposes of this sub-paragraph as premises “on which” entertainment facilities are provided.

- (4) For the purposes of sub-paragraph (2)(c), entertainment is, or entertainment facilities are, to be regarded as provided for consideration only if any charge—
- (a) is made by or on behalf of—
    - (i) any person concerned in the organisation or management of that entertainment, or
    - (ii) any person concerned in the organisation or management of those facilities who is also concerned in the organisation or management of the entertainment within paragraph 3(2) in which those facilities enable persons to take part, and

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- (b) is paid by or on behalf of some or all of the persons for whom that entertainment is, or those facilities are, provided.
- (5) In sub-paragraph (4), “charge” includes any charge for the provision of goods or services.
- (6) For the purposes of sub-paragraph (4)(a), where the entertainment consists of the performance of live music or the playing of recorded music, a person performing or playing the music is not concerned in the organisation or management of the entertainment by reason only that he does one or more of the following—
  - (a) chooses the music to be performed or played,
  - (b) determines the manner in which he performs or plays it,
  - (c) provides any facilities for the purposes of his performance or playing of the music.
- (7) This paragraph is subject to Part 2 of this Schedule (exemptions).

#### *Entertainment*

- 2 (1) The descriptions of entertainment are—
  - (a) a performance of a play,
  - (b) an exhibition of a film,
  - (c) an indoor sporting event,
  - (d) a boxing or wrestling entertainment,
  - (e) a performance of live music,
  - (f) any playing of recorded music,
  - (g) a performance of dance,
  - (h) entertainment of a similar description to that falling within paragraph (e), (f) or (g),

where the entertainment takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience.
- (2) Any reference in sub-paragraph (1) to an audience includes a reference to spectators.
- (3) This paragraph is subject to Part 3 of this Schedule (interpretation).

#### *Entertainment facilities*

- 3 (1) In this Schedule, “entertainment facilities” means facilities for enabling persons to take part in entertainment of a description falling within sub-paragraph (2) for the purpose, or for purposes which include the purpose, of being entertained.
- (2) The descriptions of entertainment are—
  - (a) making music,
  - (b) dancing,
  - (c) entertainment of a similar description to that falling within paragraph (a) or (b).
- (3) This paragraph is subject to Part 3 of this Schedule (interpretation).

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### *Power to amend Schedule*

- 4 The Secretary of State may by order amend this Schedule for the purpose of modifying—
- (a) the descriptions of entertainment specified in paragraph 2, or
  - (b) the descriptions of entertainment specified in paragraph 3,
- and for this purpose “modify” includes adding, varying or removing any description.

## **PART 2** **E+W**

### EXEMPTIONS

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

- 5 The provision of entertainment consisting of the exhibition of a film is not to be regarded as the provision of regulated entertainment for the purposes of this Act if its sole or main purpose is to—
- (a) demonstrate any product,
  - (b) advertise any goods or services, or
  - (c) provide information, education or instruction.

#### *Film exhibitions: museums and art galleries*

- 6 The provision of entertainment consisting of the exhibition of a film is not to be regarded as the provision of regulated entertainment for the purposes of this Act if it consists of or forms part of an exhibit put on show for any purposes of a museum or art gallery.

#### *Music incidental to certain other activities*

- 7 The provision of entertainment consisting of the performance of live music or the playing of recorded music is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it is incidental to some other activity which is not itself—
- (a) a description of entertainment falling within paragraph 2, or
  - (b) the provision of entertainment facilities.

#### *Use of television or radio receivers*

- 8 The provision of any entertainment or entertainment facilities is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it consists of the simultaneous reception and playing of a programme included in a programme service within the meaning of the Broadcasting Act 1990 (c. 42).

#### *Religious services, places of worship etc.*

- 9 The provision of any entertainment or entertainment facilities—
- (a) for the purposes of, or for purposes incidental to, a religious meeting or service, or
  - (b) at a place of public religious worship,

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is not to be regarded as the provision of regulated entertainment for the purposes of this Act.

*Garden fêtes, etc.*

- 10 (1) The provision of any entertainment or entertainment facilities at a garden fête, or at a function or event of a similar character, is not to be regarded as the provision of regulated entertainment for the purposes of this Act.
- (2) But sub-paragraph (1) does not apply if the fête, function or event is promoted with a view to applying the whole or part of its proceeds for purposes of private gain.
- (3) In sub-paragraph (2) “private gain”, in relation to the proceeds of a fête, function or event, is to be construed in accordance with section 22 of the Lotteries and Amusements Act 1976 (c. 32).

*Morris dancing etc.*

- 11 The provision of any entertainment or entertainment facilities is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it consists of the provision of—
- (a) a performance of morris dancing or any dancing of a similar nature or a performance of unamplified, live music as an integral part of such a performance, or
- (b) facilities for enabling persons to take part in entertainment of a description falling within paragraph (a).

*[<sup>F1</sup>Sexual entertainment venues*

#### Textual Amendments

**F1** Sch. 1 para. 11A inserted (6.4.2010 for E. and 8.5.2010 for W.) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112, 116, [Sch. 7 para. 23](#); [S.I. 2010/722](#), [art. 3](#) (with arts. 4-12); [S.I. 2010/999](#), [art. 3](#); [S.I. 2010/1375](#), [art. 3](#) (with transitional provisions and savings in [S.I. 2010/1395](#), [arts. 3, 10](#))

- 11A (1) The provision of relevant entertainment—
- (a) at premises for which a licence for a sexual entertainment venue is required (or the requirement has been waived) by virtue of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, and
- (b) of a kind, and in a way, by virtue of which the premises qualify as such a venue,

is not to be regarded as the provision of regulated entertainment for the purposes of this Act.

- (2) The provision of relevant entertainment—
- (a) at premises which are subject to a licence for a sexual entertainment venue but are not such a venue merely because of the operation of paragraph 2A(3)
- (b) of Schedule 3 to the Act of 1982, and

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- (b) of a kind, and in a way, by virtue of which the premises would qualify as such a venue but for the operation of that paragraph,  
is not to be regarded as the provision of regulated entertainment for the purposes of this Act.
- (3) The provision of entertainment consisting of the performance of live music or the playing of recorded music is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it is an integral part of such provision of relevant entertainment as falls within sub-paragraph (1) or (2).
- (4) The provision of entertainment facilities is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it is for the purposes of such provision of entertainment as falls within sub-paragraph (1), (2) or (3).
- (5) In this paragraph—  
“premises” has the meaning given by paragraph 2A(14) of Schedule 3 to the Act of 1982;  
“relevant entertainment” has the meaning given by paragraph 2A(2) of that Schedule to that Act;  
“sexual entertainment venue” has the meaning given by paragraph 2A(1) of that Schedule to that Act.]

#### *Vehicles in motion*

- 12 The provision of any entertainment or entertainment facilities—  
(a) on premises consisting of or forming part of a vehicle, and  
(b) at a time when the vehicle is not permanently or temporarily parked,  
is not to be regarded as the provision of regulated entertainment for the purposes of this Act.

### **PART 3** **E+W**

#### INTERPRETATION

##### *General*

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

##### *Plays*

- 14 (1) A “performance of a play” means a performance of any dramatic piece, whether involving improvisation or not,—  
(a) which is given wholly or in part by one or more persons actually present and performing, and  
(b) in which the whole or a major proportion of what is done by the person or persons performing, whether by way of speech, singing or action, involves the playing of a role.
- (2) In this paragraph, “performance” includes rehearsal (and “performing” is to be construed accordingly).

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*Film exhibitions*

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

*Indoor sporting events*

- 16 (1) An “indoor sporting event” is a sporting event—
- (a) which takes place wholly inside a building, and
  - (b) at which the spectators present at the event are accommodated wholly inside that building.
- (2) In this paragraph—
- “building” means any roofed structure (other than a structure with a roof which may be opened or closed) and includes a vehicle, vessel or moveable structure,
  - “sporting event” means any contest, exhibition or display of any sport, and
  - “sport” includes—
    - (a) any game in which physical skill is the predominant factor, and
    - (b) any form of physical recreation which is also engaged in for purposes of competition or display.

*Boxing or wrestling entertainments*

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

*Music*

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

SCHEDULE 2 E+W

Section 1

PROVISION OF LATE NIGHT REFRESHMENT

*The provision of late night refreshment*

- 1 (1) For the purposes of this Act, a person “provides late night refreshment” if—
- (a) at any time between the hours of 11.00 p.m. and 5.00 a.m., he supplies hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises, or
  - (b) at any time between those hours when members of the public, or a section of the public, are admitted to any premises, he supplies, or holds himself out as willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises,
- unless the supply is an exempt supply by virtue of paragraph 3, 4 or 5.
- (2) References in this Act to the “provision of late night refreshment” are to be construed in accordance with sub-paragraph (1).
- (3) This paragraph is subject to the following provisions of this Schedule.

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*Hot food or hot drink*

- 2 Food or drink supplied on or from any premises is “hot” for the purposes of this Schedule if the food or drink, or any part of it,—
- (a) before it is supplied, is heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above that temperature, or
  - (b) after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.

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

- 3 (1) The supply of hot food or hot drink on or from any premises at any time is an exempt supply for the purposes of paragraph 1(1) if, at that time, a person will neither—
- (a) be admitted to the premises, nor
  - (b) be supplied with hot food or hot drink on or from the premises,
- except by virtue of being a person of a description falling within sub-paragraph (2).
- (2) The descriptions are that—
- (a) he is a member of a recognised club,
  - (b) he is a person staying at a particular hotel, or at particular comparable premises, for the night in question,
  - (c) he is an employee of a particular employer,
  - (d) he is engaged in a particular trade, he is a member of a particular profession or he follows a particular vocation,
  - (e) he is a guest of a person falling within any of paragraphs (a) to (d).
- (3) The premises which, for the purposes of sub-paragraph (2)(b), are comparable to a hotel are—
- (a) a guest house, lodging house or hostel,
  - (b) a caravan site or camping site, or
  - (c) any other premises the main purpose of maintaining which is the provision of facilities for overnight accommodation.

*Exempt supplies: premises licensed under certain other Acts*

- 4 The supply of hot food or hot drink on or from any premises is an exempt supply for the purposes of paragraph 1(1) if it takes place during a period for which—
- (a) the premises may be used for a public exhibition of a kind described in section 21(1) of the Greater London Council (General Powers) Act 1966 (c. xxviii) by virtue of a licence under that section, or
  - (b) the premises may be used as near beer premises within the meaning of section 14 of the London Local Authorities Act 1995 (c. x) by virtue of a licence under section 16 of that Act.

*Miscellaneous exempt supplies*

- 5 (1) The following supplies of hot food or hot drink are exempt supplies for the purposes of paragraph 1(1)—

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- (a) the supply of hot drink which consists of or contains alcohol,
  - (b) the supply of hot drink by means of a vending machine,
  - (c) the supply of hot food or hot drink free of charge,
  - (d) the supply of hot food or hot drink by a registered charity or a person authorised by a registered charity,
  - (e) the supply of hot food or hot drink on a vehicle at a time when the vehicle is not permanently or temporarily parked.
- (2) Hot drink is supplied by means of a vending machine for the purposes of sub-paragraph (1)(b) only if—
- (a) the payment for the hot drink is inserted into the machine by a member of the public, and
  - (b) the hot drink is supplied directly by the machine to a member of the public.
- (3) Hot food or hot drink is not to be regarded as supplied free of charge for the purposes of sub-paragraph (1)(c) if, in order to obtain the hot food or hot drink, a charge must be paid—
- (a) for admission to any premises, or
  - (b) for some other item.
- (4) In sub-paragraph (1)(d) “registered charity” means—
- (a) a charity which is registered under section 3 of the Charities Act 1993 (c. 10), or
  - (b) a charity which by virtue of subsection (5) of that section is not required to be so registered.

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

- 6 For the purposes of this Schedule—
- (a) the supply of hot food or hot drink to a person as being a member, or the guest of a member, of a club which is not a recognised club is to be taken to be a supply to a member of the public, and
  - (b) the admission of any person to any premises as being such a member or guest is to be taken to be the admission of a member of the public.

## SCHEDULE 3 E+W

Section 8

### MATTERS TO BE ENTERED IN LICENSING REGISTER

The licensing register kept by a licensing authority under section 8 must contain a record of the following matters—

- (a) any application made to the licensing authority under section 17 (grant of premises licence),
- (b) any application made to it under section 25 (theft etc. of premises licence or summary),
- (c) any notice given to it under section 28 (surrender of premises licence),
- (d) any application made to it under section 29 (provisional notice in respect of premises),
- (e) any notice given to it under section 33 (change of name, etc. of holder of premises licence),
- (f) any application made to it under section 34 (variation of premises licence),



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- (g) any application made to it under section 37 (variation of licence to specify individual as premises supervisor),
- (h) any notice given to it under section 41 (request from designated premises supervisor for removal from premises licence),
- (i) any application made to it under section 42 (transfer of premises licence),
- (j) any notice given to it under section 47 (interim authority notice),
- (k) any application made to it under section 51 (review of premises licence),
- (l) any application made to it under section 71 (application for club premises certificate),
- (m) any application made to it under section 79 (theft, loss, etc. of certificate or summary),
- (n) any notice given to it under section 81 (surrender of club premises certificate),
- (o) any notice given to it under section 82 or 83 (notification of change of name etc.),
- (p) any application made to it under section 84 (application to vary club premises certificate),
- (q) any application made to it under section 87 (application for review of club premises certificate),
- (r) any notice given to it under section 103 (withdrawal of temporary event notice),
- (s) any counter notice given by it under section 105 (counter notice following police objection to temporary event notice),
- (t) any copy of a temporary event notice given to it under section 106 (notice given following the making of modifications to a temporary event notice with police consent),
- (u) any application made to it under section 110 (theft etc. of temporary event notice),
- (v) any notice given to it under section 116 (surrender of personal licence),
- (w) any application made to it under section 117 (grant or renewal of personal licence),
- (x) any application made to it under section 126 (theft, loss or destruction of personal licence),
- (y) any notice given to it under section 127 (change of name, etc. of personal licence holder),
- (z) any notice given to it under section 165(4) (magistrates' court to notify any determination made after closure order),
- (zi) any application under paragraph 2 of Schedule 8 (application for conversion of old licences into premises licence),
- (zii) any application under paragraph 14 of that Schedule (application for conversion of club certificate into club premises certificate).

## SCHEDULE 4 **E+W**

Section 113

### PERSONAL LICENCE: RELEVANT OFFENCES

- 1 An offence under this Act.
- 2 An offence under any of the following enactments—
  - (a) Schedule 12 to the London Government Act 1963 (c. 33) (public entertainment licensing);
  - (b) the Licensing Act 1964 (c. 26);
  - (c) the Private Places of Entertainment (Licensing) Act 1967 (c. 19);
  - (d) section 13 of the Theatres Act 1968 (c. 54);
  - (e) the Late Night Refreshment Houses Act 1969 (c. 53);

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- (f) section 6 of, or Schedule 1 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30);
  - (g) the Licensing (Occasional Permissions) Act 1983 (c. 24);
  - (h) the Cinemas Act 1985 (c. 13);
  - (i) the London Local Authorities Act 1990 (c. vii).
- 3 An offence under the Firearms Act 1968 (c. 27).
- 4 An offence under section 1 of the Trade Descriptions Act 1968 (c. 29) (false trade description of goods) in circumstances where the goods in question are or include alcohol.
- 5 An offence under any of the following provisions of the Theft Act 1968 (c. 60)—
- (a) section 1 (theft);
  - (b) section 8 (robbery);
  - (c) section 9 (burglary);
  - (d) section 10 (aggravated burglary);
  - (e) section 11 (removal of articles from places open to the public);
  - (f) section 12A (aggravated vehicle-taking), in circumstances where subsection (2)(b) of that section applies and the accident caused the death of any person;
  - (g) section 13 (abstracting of electricity);
  - (h) section 15 (obtaining property by deception);
  - (i) section 15A (obtaining a money transfer by deception);
  - (j) section 16 (obtaining pecuniary advantage by deception);
  - (k) section 17 (false accounting);
  - (l) section 19 (false statements by company directors etc.);
  - (m) section 20 (suppression, etc. of documents);
  - (n) section 21 (blackmail);
  - (o) section 22 (handling stolen goods);
  - (p) section 24A (dishonestly retaining a wrongful credit);
  - (q) section 25 (going equipped for stealing etc.).
- 6 An offence under section 7(2) of the Gaming Act 1968 (c. 65) (allowing child to take part in gaming on premises licensed for the sale of alcohol).
- 7 An offence under any of the following provisions of the Misuse of Drugs Act 1971 (c. 38)—
- (a) section 4(2) (production of a controlled drug);
  - (b) section 4(3) (supply of a controlled drug);
  - (c) section 5(3) (possession of a controlled drug with intent to supply);
  - (d) section 8 (permitting activities to take place on premises).
- 8 An offence under either of the following provisions of the Theft Act 1978 (c. 31)—
- (a) section 1 (obtaining services by deception);
  - (b) section 2 (evasion of liability by deception).
- 9 An offence under either of the following provisions of the Customs and Excise Management Act 1979 (c. 2)—
- (a) section 170 (disregarding subsection (1)(a)) (fraudulent evasion of duty etc.);

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- (b) section 170B (taking preparatory steps for evasion of duty).
- 10 An offence under either of the following provisions of the Tobacco Products Duty Act 1979 (c. 7)—
  - (a) section 8G (possession and sale of unmarked tobacco);
  - (b) section 8H (use of premises for sale of unmarked tobacco).
- 11 An offence under the Forgery and Counterfeiting Act 1981 (c. 45) (other than an offence under section 18 or 19 of that Act).
- 12 An offence under the Firearms (Amendment) Act 1988 (c. 45).
- 13 An offence under any of the following provisions of the Copyright, Designs and Patents Act 1988 (c. 48)—
  - (a) section 107(1)(d)(iii) (public exhibition in the course of a business of article infringing copyright);
  - (b) section 107(3) (infringement of copyright by public performance of work etc.);
  - (c) section 198(2) (broadcast etc. of recording of performance made without sufficient consent);
  - (d) section 297(1) (fraudulent reception of transmission);
  - (e) section 297A(1) (supply etc. of unauthorised decoder).
- 14 An offence under any of the following provisions of the Road Traffic Act 1988 (c. 52)—
  - (a) section 3A (causing death by careless driving while under the influence of drink or drugs);
  - (b) section 4 (driving etc. a vehicle when under the influence of drink or drugs);
  - (c) section 5 (driving etc. a vehicle with alcohol concentration above prescribed limit).
- 15 An offence under either of the following provisions of the Food Safety Act 1990 (c. 16) in circumstances where the food in question is or includes alcohol—
  - (a) section 14 (selling food or drink not of the nature, substance or quality demanded);
  - (b) section 15 (falsely describing or presenting food or drink).
- 16 An offence under section 92(1) or (2) of the Trade Marks Act 1994 (c. 26) (unauthorised use of trade mark, etc. in relation to goods) in circumstances where the goods in question are or include alcohol.
- 17 An offence under the Firearms (Amendment) Act 1997 (c. 5).
- 18 A sexual offence, within the meaning of section 161(2) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).
- 19 A violent offence, within the meaning of section 161(3) of that Act.
- 20 An offence under section 3 of the Private Security Industry Act 2001 (c. 12) (engaging in certain activities relating to security without a licence).

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VALID FROM 15/01/2007

21 An offence under the Fraud Act 2006.

VALID FROM 26/05/2008

[<sup>F2</sup>22 An offence under regulation 6 of the Business Protection from Misleading Marketing Regulations 2008 (offence of misleading advertising) in circumstances where the advertising in question relates to alcohol or to goods that include alcohol.

#### Textual Amendments

**F2** Sch. 4 paras. 22, 23 inserted (26.5.2008) by virtue of The Consumer Protection from [Unfair Trading Regulations 2008 \(S.I. 2008/1277\)](#), reg. 30(1), **Sch. 2 para. 71** (with reg. 28(2)(3))

VALID FROM 26/05/2008

23 An offence under regulation 8, 9, 10, 11 or 12 of the Consumer Protection from Unfair Trading Regulations 2008 (offences relating to unfair commercial practices) in circumstances where the commercial practice in question is directly connected with the promotion, sale or supply of alcohol or of a product that includes alcohol.]

#### Textual Amendments

**F2** Sch. 4 paras. 22, 23 inserted (26.5.2008) by virtue of The Consumer Protection from [Unfair Trading Regulations 2008 \(S.I. 2008/1277\)](#), reg. 30(1), **Sch. 2 para. 71** (with reg. 28(2)(3))

## SCHEDULE 5 **E+W**

Section 181

### APPEALS

#### PART 1 **E+W**

#### PREMISES LICENCES

##### *Rejection of applications relating to premises licences*

- 1 Where a licensing authority—
- (a) rejects an application for a premises licence under section 18,
  - (b) rejects (in whole or in part) an application to vary a premises licence under section 35,

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- (c) rejects an application to vary a premises licence to specify an individual as the premises supervisor under section 39, or
  - (d) rejects an application to transfer a premises licence under section 44,
- the applicant may appeal against the decision.

#### Commencement Information

- II** Sch. 5 para. 1(a)(d) in force at 7.2.2005 and Sch. 5 para. 1(b)(c) in force for certain purposes at 7.2.2005 and 7.8.2005 otherwise by [S.I. 2004/2360](#), [art. 2](#), [Sch.](#); [S.I. 2005/2090](#), [art. 2](#), [Sch.](#)

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

- 2
- (1) This paragraph applies where a licensing authority grants a premises licence under section 18.
  - (2) The holder of the licence may appeal against any decision—
    - (a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or
    - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).
  - (3) Where a person who made relevant representations in relation to the application desires to contend—
    - (a) that the licence ought not to have been granted, or
    - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section,he may appeal against the decision.
  - (4) In sub-paragraph (3) “relevant representations” has the meaning given in section 18(6).

#### *Issue of provisional statement*

- 3
- (1) This paragraph applies where a provisional statement is issued under subsection (3) (c) of section 31.
  - (2) An appeal against the decision may be made by—
    - (a) the applicant, or
    - (b) any person who made relevant representations in relation to the application.
  - (3) In sub-paragraph (2) “relevant representations” has the meaning given in subsection (5) of that section.

#### *Variation of licence under section 35*

- 4
- (1) This paragraph applies where an application to vary a premises licence is granted (in whole or in part) under section 35.
  - (2) The applicant may appeal against any decision to modify the conditions of the licence under subsection (4)(a) of that section.

*Status: Point in time view as at 07/02/2005.*

**Changes to legislation:** Licensing Act 2003 is up to date with all changes known to be in force on or before 05 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) Where a person who made relevant representations in relation to the application desires to contend—
- (a) that any variation made ought not to have been made, or
  - (b) that, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under subsection (4)(a) of that section,
- he may appeal against the decision.
- (4) In sub-paragraph (3) “relevant representations” has the meaning given in section 35(5).

#### Commencement Information

- I2** Sch. 5 para. 4 in force for certain purposes at 7.2.2005 and 7.8.2005 otherwise by [S.I. 2004/2360, art. 2, Sch.](#); [S.I. 2005/2090, art. 2, Sch.](#)

#### *Variation of licence to specify individual as premises supervisor*

- 5 (1) This paragraph applies where an application to vary a premises licence is granted under section 39(2) in a case where a chief officer of police gave a notice under section 37(5) (which was not withdrawn).
- (2) The chief officer of police may appeal against the decision to grant the application.

#### Commencement Information

- I3** Sch. 5 para. 5 in force for certain purposes at 7.2.2005 and 7.8.2005 otherwise by [S.I. 2004/2360, art. 2, Sch.](#); [S.I. 2005/2090, art. 2, Sch.](#)

VALID FROM 07/08/2005

#### *Transfer of licence*

- 6 (1) This paragraph applies where an application to transfer a premises licence is granted under section 44 in a case where a chief officer of police gave a notice under section 42(6) (which was not withdrawn).
- (2) The chief officer of police may appeal against the decision to grant the application.

VALID FROM 24/11/2005

#### *Interim authority notice*

- 7 (1) This paragraph applies where—
- (a) an interim authority notice is given in accordance with section 47, and
  - (b) a chief officer of police gives a notice under section 48(2) (which is not withdrawn).

*Status: Point in time view as at 07/02/2005.*

*Changes to legislation: Licensing Act 2003 is up to date with all changes known to be in force on or before 05 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (2) Where the relevant licensing authority decides to cancel the interim authority notice under subsection (3) of section 48, the person who gave the interim authority notice may appeal against that decision.
- (3) Where the relevant licensing authority decides not to cancel the notice under that subsection, the chief officer of police may appeal against that decision.
- (4) Where an appeal is brought under sub-paragraph (2), the court to which it is brought may, on such terms as it thinks fit, order the reinstatement of the interim authority notice pending—
  - (a) the disposal of the appeal, or
  - (b) the expiry of the interim authority period,whichever first occurs.
- (5) Where the court makes an order under sub-paragraph (4), the premises licence is reinstated from the time the order is made, and section 47 has effect in a case where the appeal is dismissed or abandoned before the end of the interim authority period as if—
  - (a) the reference in subsection (7)(b) to the end of the interim authority period were a reference to the time when the appeal is dismissed or abandoned, and
  - (b) the reference in subsection (9)(a) to the interim authority period were a reference to that period disregarding the part of it which falls after that time.
- (6) In this paragraph “interim authority period” has the same meaning as in section 47.

VALID FROM 24/11/2005

*Review of premises licence*

- 8
- (1) This paragraph applies where an application for a review of a premises licence is decided under section 52.
  - (2) An appeal may be made against that decision by—
    - (a) the applicant for the review,
    - (b) the holder of the premises licence, or
    - (c) any other person who made relevant representations in relation to the application.
  - (3) In sub-paragraph (2) “relevant representations” has the meaning given in section 52(7).

*Status: Point in time view as at 07/02/2005.*

*Changes to legislation: Licensing Act 2003 is up to date with all changes known to be in force on or before 05 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 01/10/2007

*F<sup>3</sup> Summary review of premises licence*

**Textual Amendments**

**F3** Sch. 5 para. 8A and cross-heading inserted (1.10.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [ss. 22\(2\), 66\(2\)\(3\)](#); [S.I. 2007/2180](#), [art. 3\(a\)](#)

- 8A (1) This paragraph applies where a review of a premises licence is decided under section 53A(2)(b) (review of premises licence following review notice).
- (2) An appeal may be made against that decision by—
- (a) the chief officer of police for the police area (or each police area) in which the premises are situated,
  - (b) the holder of the premises licence, or
  - (c) any other person who made relevant representations in relation to the application for the review.
- (3) In sub-paragraph (2) “relevant representations” has the meaning given in section 53C(7).]

*General provision about appeals under this Part*

- 9 (1) An appeal under this Part must be made to the magistrates' court for the petty sessions area (or any such area) in which the premises concerned are situated.
- (2) An appeal under this Part must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.
- (3) On an appeal under paragraph 2(3), 3(2)(b), 4(3), 5(2), 6(2) or 8(2)(a) or (c), the holder of the premises licence is to be the respondent in addition to the licensing authority.
- (4) On an appeal under paragraph 7(3), the person who gave the interim authority notice is to be the respondent in addition to the licensing authority.

**PART 2** **E+W**

CLUB PREMISES CERTIFICATES

*Rejection of applications relating to club premises certificates*

- 10 Where a licensing authority—
- (a) rejects an application for a club premises certificate under section 72, or
  - (b) rejects (in whole or in part) an application to vary a club premises certificate under section 85,



*Status: Point in time view as at 07/02/2005.*

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the club that made the application may appeal against the decision.

#### Commencement Information

- I4** Sch. 5 para. 10(a) in force at 7.2.2005 and Sch. 5 para. 10(b) in force for certain purposes at 7.2.2005 and 7.8.2005 otherwise by [S.I. 2004/2360](#), [art. 2](#), [Sch.](#); [S.I. 2005/2090](#), [art. 2](#), [Sch.](#)

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

- 11 (1) This paragraph applies where a licensing authority grants a club premises certificate under section 72.
- (2) The club holding the certificate may appeal against any decision—
- (a) to impose conditions on the certificate under subsection (2) or (3)(b) of that section, or
  - (b) to take any step mentioned in subsection (4)(b) of that section (exclusion of qualifying club activity).
- (3) Where a person who made relevant representations in relation to the application desires to contend—
- (a) that the certificate ought not to have been granted, or
  - (b) that, on granting the certificate, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) of that section,
- he may appeal against the decision.
- (4) In sub-paragraph (3) “relevant representations” has the meaning given in section 72(7).

#### *Variation of club premises certificate*

- 12 (1) This paragraph applies where an application to vary a club premises certificate is granted (in whole or in part) under section 85.
- (2) The club may appeal against any decision to modify the conditions of the certificate under subsection (3)(b) of that section.
- (3) Where a person who made relevant representations in relation to the application desires to contend—
- (a) that any variation ought not to have been made, or
  - (b) that, when varying the certificate, the licensing authority ought not to have modified the conditions of the certificate, or ought to have modified them in a different way, under subsection (3)(b) of that section,
- he may appeal against the decision.
- (4) In sub-paragraph (3) “relevant representations” has the meaning given in section 85(5).

*Status: Point in time view as at 07/02/2005.*

**Changes to legislation:** Licensing Act 2003 is up to date with all changes known to be in force on or before 05 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

#### Commencement Information

- I5** Sch. 5 para. 12 in force for certain purposes at 7.2.2005 and otherwise at 7.8.2005 by [S.I. 2004/2360, art. 2, Sch.](#); [S.I. 2005/2090, art. 2, Sch.](#)

VALID FROM 24/11/2005

#### *Review of club premises certificate*

- 13 (1) This paragraph applies where an application for a review of a club premises certificate is decided under section 88.
- (2) An appeal may be made against that decision by—
- (a) the applicant for the review,
  - (b) the club that holds or held the club premises certificate, or
  - (c) any other person who made relevant representations in relation to the application.
- (3) In sub-paragraph (2) “relevant representations” has the meaning given in section 88(7).

VALID FROM 24/11/2005

#### *Withdrawal of club premises certificate*

- 14 Where the relevant licensing authority gives notice withdrawing a club premises certificate under section 90, the club which holds or held the certificate may appeal against the decision to withdraw it.

#### *General provision about appeals under this Part*

- 15 (1) An appeal under this Part must be made to the magistrates' court for the petty sessions area (or any such area) in which the premises concerned are situated.
- (2) An appeal under this Part must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.
- (3) On an appeal under paragraph 11(3), 12(3) or 13(2)(a) or (c), the club that holds or held the club premises certificate is to be the respondent in addition to the licensing authority.

*Status: Point in time view as at 07/02/2005.*

*Changes to legislation: Licensing Act 2003 is up to date with all changes known to be in force on or before 05 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### PART 3 **E+W**

#### OTHER APPEALS

VALID FROM 24/11/2005

##### *Temporary event notices*

- 16 (1) This paragraph applies where—
- (a) a temporary event notice is given under section 100, and
  - (b) a chief officer of police gives an objection notice in accordance with section 104(2).
- (2) Where the relevant licensing authority gives a counter notice under section 105(3), the premises user may appeal against that decision.
- (3) Where that authority decides not to give such a counter notice, the chief officer of police may appeal against that decision.
- (4) An appeal under this paragraph must be made to the magistrates' court for the petty sessions area (or any such area) in which the premises concerned are situated.
- (5) An appeal under this paragraph must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.
- (6) But no appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins.
- (7) On an appeal under sub-paragraph (3), the premises user is to be the respondent in addition to the licensing authority.
- (8) In this paragraph—
- “objection notice” has the same meaning as in section 104; and
  - “relevant licensing authority” has the meaning given in section 99.

##### *Personal licences*

- 17 (1) Where a licensing authority—
- (a) rejects an application for the grant of a personal licence under section 120, or
  - (b) rejects an application for the renewal of a personal licence under section 121,
- the applicant may appeal against that decision.
- (2) Where a licensing authority grants an application for a personal licence under section 120(7), the chief officer of police who gave the objection notice (within the meaning of section 120(5)) may appeal against that decision.

*Status: Point in time view as at 07/02/2005.*

*Changes to legislation: Licensing Act 2003 is up to date with all changes known to be in force on or before 05 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) Where a licensing authority grants an application for the renewal of a personal licence under section 121(6), the chief officer of police who gave the objection notice (within the meaning of section 121(3)) may appeal against that decision.
- (4) Where a licensing authority revokes a personal licence under section 124(4), the holder of the licence may appeal against that decision.
- (5) Where in a case to which section 124 (convictions coming to light after grant or renewal) applies—
  - (a) the chief officer of police for the licensing authority’s area gives a notice under subsection (3) of that section (and does not later withdraw it), and
  - (b) the licensing authority decides not to revoke the licence,
 the chief officer of police may appeal against the decision.
- (6) An appeal under this paragraph must be made to the magistrates' court for a petty sessions area in which the licensing authority’s area (or any part of it) is situated.
- (7) An appeal under this paragraph must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.
- (8) On an appeal under sub-paragraph (2), (3) or (5), the holder of the personal licence is to be the respondent in addition to the licensing authority.
- (9) Sub-paragraph (10) applies where the holder of a personal licence gives notice of appeal against a decision of a licensing authority to refuse to renew it.
- (10) The relevant licensing authority, or the magistrates' court to which the appeal has been made, may, on such conditions as it thinks fit—
  - (a) order that the licence is to continue in force until the relevant time, if it would otherwise cease to have effect before that time, or
  - (b) where the licence has already ceased to have effect, order its reinstatement until the relevant time.
- (11) In sub-paragraph (10) “the relevant time” means—
  - (a) the time the appeal is dismissed or abandoned, or
  - (b) where the appeal is allowed, the time the licence is renewed.

#### Commencement Information

**I6** Sch. 5 para. 17(1)(a)(2)-(8)(11) in force at 7.2.2005 by S.I. 2004/2360, art. 2, Sch.

VALID FROM 24/11/2005

#### *Closure orders*

- 18 (1) This paragraph applies where, on a review of a premises licence under section 167, the relevant licensing authority decides under subsection (5)(b) of that section—

*Status: Point in time view as at 07/02/2005.*

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- (a) to take any of the steps mentioned in subsection (6) of that section, in relation to a premises licence for those premises, or
  - (b) not to take any such step.
- (2) An appeal may be made against that decision by—
  - (a) the holder of the premises licence, or
  - (b) any other person who made relevant representations in relation to the review.
- (3) Where an appeal is made under this paragraph against a decision to take any of the steps mentioned in section 167(6)(a) to (d) (modification of licence conditions etc.), the appropriate magistrates' court may in a case within section 168(3) (premises closed when decision taken)—
  - (a) if the relevant licensing authority has not made an order under section 168(5) (order suspending operation of decision in whole or part), make any order under section 168(5) that could have been made by the relevant licensing authority, or
  - (b) if the authority has made such an order, cancel it or substitute for it any order which could have been made by the authority under section 168(5).
- (4) Where an appeal is made under this paragraph in a case within section 168(6) (premises closed when decision to revoke made to remain closed pending appeal), the appropriate magistrates court may, on such conditions as it thinks fit, order that section 168(7) (premises to remain closed pending appeal) is not to apply to the premises.
- (5) An appeal under this paragraph must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the relevant licensing authority of the decision appealed against.
- (6) On an appeal under this paragraph by a person other than the holder of the premises licence, that holder is to be the respondent in addition to the licensing authority that made the decision.
- (7) In this paragraph—
  - “appropriate magistrates' court” means the magistrates court for the petty sessions area (or any such area) in which the premises concerned are situated;
  - “relevant licensing authority” has the same meaning as in Part 3 of this Act; and
  - “relevant representations” has the meaning given in section 167(9).

VALID FROM 24/11/2005

SCHEDULE 6 **E+W**

Section 198

MINOR AND CONSEQUENTIAL AMENDMENTS

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*Status: Point in time view as at 07/02/2005.*

*Changes to legislation: Licensing Act 2003 is up to date with all changes known to be in force on or before 05 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULE 7 **E+W**

Section 199

## REPEALS

**Commencement Information**

**I13** Sch. 7 in force for certain purposes at 17.7.2003 by S.I. 2003/1911, art. 2; Sch. 7 in force for certain further purposes at 10.9.2003 by S.I. 2003/2100, art. 2; Sch. 7 in force for certain further purposes at 24.11.2005 by S.I. 2005/3056, art. 2 (with art. 4)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Universities (Wine Licences) Act 1743 (c. 40)	The whole Act.
Sunday Observance Act 1780 (21 Geo. 3 c. 49)	The whole Act.
Metropolitan Police Act 1839 (c. 47)	Section 41.
Town Police Clauses Act 1847 (c. 89)	Section 35.
Cambridge Award Act 1856 (c. xvii)	Sections 9 and 11.
Inebriates Act 1898 (c. 60)	In the First Schedule— the entry relating to section 18 of the Licensing Act 1872, and the entry relating to section 41 of the Refreshment Houses Act 1860.
Sunday Entertainments Act 1932 (c. 51)	The whole Act.
Children and Young Persons Act 1933 (c. 12)	In section 12(3), the words from “, and also” to the end. In section 107, the definition of “intoxicating liquor”.
Public Health Act 1936 (c. 49)	Section 226(4).
Common Informers Act 1951 (c. 39)	In the Schedule— the entry relating to section 11 of the Universities (Wine Licences) Act 1743, and the entry relating to the Sunday Observance Act 1780.
Hypnotism Act 1952 (c. 46)	Section 1(2).
London Government Act 1963 (c. 33)	Section 52(3). Schedule 12.
Offices, Shops and Railway Premises Act 1963 (c. 41)	In section 90, the definition of “place of public entertainment”.
Licensing Act 1964 (c. 26)	The whole Act.
Administration of Justice Act 1964 (c. 42)	In Schedule 3, paragraph 31.
Refreshment Houses Act 1964 (c. 88)	The whole Act.

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Private Places of Entertainment (Licensing) Act 1967 (c. 19)	The whole Act.
Licensing (Amendment) Act 1967 (c. 51)	The whole Act.
Finance Act 1967 (c. 54)	In section 5— in subsection (1), the words “; and accordingly as from that date—” and paragraphs (c) and (e), and in subsection (3), the words “which is registered within the meaning of the Licensing Act 1964 or”.
Theatres Act 1968 (c. 54)	Section 45(4). Schedule 7.  Section 15(6). Section 17. In section 18(1), in the definition of “licensing authority”, paragraphs (a), (b) and (bb). In Schedule 2— the entries relating to the Licensing Act 1964, and the entry relating to the Private Places of Entertainment (Licensing) Act 1967.
Gaming Act 1968 (c. 65)	In Schedule 9— paragraph 11(5), paragraph 14, and paragraph 24. In Schedule 11, in Part 3, the entries relating to the Licensing Act 1964.
Greater London Council (General Powers) Act 1968 (c. xxxix)	Sections 47 to 55.
Late Night Refreshment Houses Act 1969 (c. 53)	The whole Act.
Finance Act 1970 (c. 24)	In section 6(2)(b), the words “, the Licensing Act 1964”.
Courts Act 1971 (c. 23)	In Schedule 6, paragraphs 7 and 13. In Schedule 8, paragraph 42. In Schedule 9, in Part 1, the entries relating to— the London Government Act 1963, the Licensing Act 1964, the Private Places of Entertainment (Licensing) Act 1967, the Theatres Act 1968, and the Late Night Refreshment Houses Act 1969.
Sunday Theatre Act 1972 (c. 26)	The whole Act.
Local Government Act 1972 (c. 70)	In section 78(1), the definition of “public body”.

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	Section 204. In Schedule 25, paragraphs 1 to 9.
Local Government Act 1974 (c. 7)	In Schedule 6, paragraph 24.
Licensing (Amendment) Act 1976 (c. 18 )	The whole Act.
Lotteries and Amusements Act 1976 (c. 32)	In Schedule 3— in paragraph 1(2), the definition of “the proper officer of the authority”, and paragraphs 8(4) and 11.
Licensing (Scotland) Act 1976 (c. 66)	In Schedule 7, paragraphs 9(a), (b), (d) and (f), 10, 11 and 12.
Greater London Council (General Powers) Act 1976 (c. xxvi)	Sections 5 to 8.
Licensing (Amendment) Act 1977 (c. 26)	The whole Act.
Greater London Council (General Powers) Act 1978 (c. xiii)	Sections 3 and 4. Section 5(4)(a)(ii) and the word “or” immediately preceding it.
Customs and Excise Management Act 1979 (c. 2)	In Schedule 4, in paragraph 12, in the Table, the entry relating to the Licensing Act 1964.
Alcoholic Liquor Duties Act 1979 (c. 4)	In section 4— in the definition of “justices' licence” and “justices' on-licence”, paragraph (a), and in the definition of “registered club”, the words “which is for the time being registered within the meaning of the Licensing Act 1964 or”. In section 71(5)— the words “England and Wales or”, and paragraph (c). In Schedule 3, paragraph 5.
Greater London Council (General Powers) Act 1979 (c. xxiii)	Section 3.
Licensing (Amendment) Act 1980 (c. 40)	The whole Act.
Magistrates' Courts Act 1980 (c. 43)	In Schedule 6, in Part 3, paragraphs 3 and 5. In Schedule 7, paragraphs 45 to 48 and 50.
Local Government, Planning and Land Act 1980 (c. 65)	Sections 131 and 132. In section 133(1), the definitions of “development corporation” and “the 1964 Act”.
Highways Act 1980 (c. 66)	In Schedule 24, paragraph 12.
Finance Act 1981 (c. 35)	In Schedule 8, paragraphs 24 and 25.
Licensing (Amendment) Act 1981 (c. 40)	The whole Act.
Supreme Court Act 1981 (c. 54)	In section 28(2)(b), the words “the Licensing Act 1964,”.



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New Towns Act 1981 (c. 64)	In Schedule 2, paragraph 2. In Schedule 12, paragraphs 1 and 29(a)(i).
Local Government (Miscellaneous Provisions) Act 1982 (c. 30)	Section 1. Sections 4 to 7. Schedule 1. In Schedule 2, paragraphs 1 to 6.
Greater London Council (General Powers) Act 1982 (c. i)	Section 7.
Representation of the People Act 1983 (c. 2)	In Schedule 7, paragraph 4. In Schedule 8, paragraphs 7 to 10.
Licensing (Occasional Permissions) Act 1983 (c. 24)	The whole Act.
Building Act 1984 (c. 55)	In section 74(2), paragraph (a) and the word “or” immediately following it.
Greater London Council (General Powers) Act 1984 (c.xxvii)	Section 4(1) and (3). Sections 19 to 22.
Cinemas Act 1985 (c. 13)	Section 3(1A). Section 9. Sections 17 and 18. In section 19(3), paragraph (a) and the word “or” immediately following it. In Schedule 2, paragraphs 2, 3, 6, 7, 8, 14, 15 and 16(a) and the word “and” immediately following it.
Licensing (Amendment) Act 1985 (c. 40)	The whole Act.
Local Government Act 1985 (c. 51)	In Schedule 8— paragraph 1(1), in paragraph 1(3), the words following paragraph (c), and paragraphs 2 to 5.
Sporting Events (Control of Alcohol etc.) Act 1985 (c. 57)	Section 2(1A). Sections 3 to 6. Section 8(d) and (e). Section 9(5). The Schedule.
Insolvency Act 1985 (c. 65)	In Schedule 8, paragraph 12.
Insolvency Act 1986 (c. 45)	In Schedule 14, the entries relating to the Licensing Act 1964.
Sex Discrimination Act 1986 (c. 59)	Section 5.
Public Order Act 1986 (c. 64)	In Schedule 1, paragraphs 4, 5, 7(5) and 8.
Greater London Council (General Powers) Act 1986 (c. iv)	Section 3.
Fire Safety and Safety of Places of Sport Act 1987 (c. 27)	Sections 42, 43, 45 and 46. Schedule 3. In Schedule 5—

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	in paragraph 1, the definition of “the 1963 Act” and the definition of “the 1982 Act” and the word “and” immediately preceding it, and paragraphs 8 to 10.
Licensing Act 1988 (c. 17)	The whole Act.
Licensing (Retail Sales) Act 1988 (c. 25)	The whole Act.
Licensing (Amendment) Act 1989 (c. 20)	The whole Act.
Employment Act 1989 (c. 38)	In Schedule 6, paragraph 30.
Town and Country Planning Act 1990 (c. 8)	Section 334.
Entertainments (Increased Penalties) Act 1990 (c. 20)	Section 1.
Licensing (Low Alcohol Drinks) Act 1990 (c. 21)	Section 1.
Broadcasting Act 1990 (c. 42)	In Schedule 20, paragraphs 7 and 8.
London Local Authorities Act 1990 (c. vii)	Sections 4 to 17, 19 and 20.
London Local Authorities (No. 2) Act 1990 (c. xxx)	Section 6.
Finance Act 1991 (c. 31)	In Schedule 2, in paragraph 1, the words “, the Licensing Act 1964”.
London Local Authorities Act 1991 (c. xiii)	Sections 18 to 21.
Sporting Events (Control of Alcohol etc.) (Amendment) Act 1992 (c. 57)	The whole Act.
Charities Act 1993 (c. 10)	In Schedule 6, paragraph 27.
Local Government (Wales) Act 1994 (c. 19)	In Schedule 2, paragraph 2. In Schedule 15, paragraph 41. In Schedule 16, paragraphs 22, 29, 32, 36, 69 and 73.
Coal Industry Act 1994 (c. 21)	In Schedule 9, paragraph 8.
Criminal Justice and Public Order Act 1994 (c. 33)	In section 63— in subsection (10), the definitions of “entertainment licence” and “local authority”, and subsection (11).
Deregulation and Contracting Out Act 1994 (c. 40)	Section 18(1). Section 19. Section 21. Schedule 7. In Schedule 11, paragraph 1.
London Local Authorities Act 1994 (c. xii)	Section 5.
Licensing (Sunday Hours) Act 1995 (c. 33)	The whole Act.
London Local Authorities Act 1995 (c. x)	In section 14—

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	in paragraph (B), the words “Schedule 12 to the London Government Act 1963,” and “or the Private Places of Entertainment (Licensing) Act 1967”, and paragraphs (C) to (E).
	Section 28. Sections 45 and 46.
London Local Authorities Act 1996 (c. ix)	Sections 20 to 23.
Justices of the Peace Act 1997 (c. 25)	In Schedule 4, in paragraph 17(3), the words “, other than any duties as secretary to a licensing planning committee under Part VII of the Licensing Act 1964”.
Confiscation of Alcohol (Young Persons) Act 1997 (c. 33)	In section 1(1), the words “(other than a sealed container)”.
Public Entertainments Licences (Drug Misuse) Act 1997 (c. 49)	The whole Act.
Access to Justice Act 1999 (c. 22)	In Schedule 10, paragraphs 23 to 29 and 31. In Schedule 11, paragraph 17. In Schedule 13, paragraphs 36 to 56, 61, 62, 87, 124 and 132.
Greater London Authority Act 1999 (c. 29)	In Schedule 29, paragraphs 6, 67, 70 and 71.
Licensing (Young Persons) Act 2000 (c. 30)	The whole Act.
Freedom of Information Act 2000 (c. 36)	In Schedule 1, paragraph 17.
London Local Authorities Act 2000 (c. vii)	Sections 22 to 26. Schedule 1.
Criminal Justice and Police Act 2001 (c. 16)	In section 1(1), in the Table, the entry relating to section 169C(3) of the Licensing Act 1964. In section 12(2)(b), the words “(other than a sealed container)”. Section 14(2). In section 16(1), the definition of “intoxicating liquor” and the word “and” immediately following it. Sections 17 and 18. In section 28, the definition of “intoxicating liquor”. Sections 30 to 32. In Schedule 1, paragraphs 7 and 90.

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## SCHEDULE 8 **E+W**

Section 200

### TRANSITIONAL PROVISION ETC.

#### PART 1 **E+W**

##### PREMISES LICENCES

###### *Introductory*

1 (1) In this Part—

“canteen licence” has the same meaning as in section 148 of the 1964 Act (licences for seamen’s canteens);

“children’s certificate” has the same meaning as in section 168A of that Act;

“existing licence” means—

- (a) a justices' licence,
- (b) a canteen licence,
- (c) a licence under Schedule 12 to the London Government Act 1963 (c. 33) (licensing of public entertainment in Greater London),
- (d) a licence under the Private Places of Entertainment (Licensing) Act 1967 (c. 19),
- (e) a licence under the Theatres Act 1968 (c. 54),
- (f) a licence under the Late Night Refreshment Houses Act 1969 (c. 53),
- (g) a licence under Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982 (c. 30) (licensing of public entertainments outside Greater London),
- (h) a licence under section 1 of the Cinemas Act 1985 (c. 13), or
- (i) a licence under Part 2 of the London Local Authorities Act 1990 (c. vii) (night cafe licensing);

“existing licensable activities”, under an existing licence, are—

- (a) the licensable activities authorised by the licence, and
- (b) any other licensable activities which may be carried on, at the premises in respect of which the licence has effect, by virtue of the existence of the licence (see sub-paragraph (2));

“first appointed day” means such day as may be specified as the first appointed day for the purposes of this Part;

“new licence” has the meaning given in paragraph 5(1);

“relevant existing licence”, in relation to an application under paragraph 2, means an existing licence to which the application relates;

“relevant licensing authority” has the same meaning as in Part 3 of this Act (premises licences);

“second appointed day” means such day as may be specified as the second appointed day for the purposes of this Part; and

“supply of alcohol” means—

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

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- (2) In determining, for the purposes of paragraph (b) of the definition of “existing licensable activities”, the other licensable activities which may be carried on by virtue of a licence—
  - (a) section 182 of the 1964 Act (relaxation of law relating to music and dancing licences) is to be disregarded so far as it relates to public entertainment by way of music and singing provided by not more than two performers, and
  - (b) in the case of an existing licence granted under the Theatres Act 1968 (c. 54), the reference in that paragraph to the licence is to be read as including a reference to any notice in force under section 199(c) of the 1964 Act (notice of intention to sell alcohol by retail at licensed theatre premises) in relation to that licence.
- (3) In the application of section 12 (relevant licensing authority in Part 3 of this Act) for the purposes of this Part, the reference in subsection (4)(a) of that section to an applicant for a premises licence is to be read as a reference to an applicant under paragraph 2 for the grant of a licence under paragraph 4.

#### Commencement Information

**I14** Sch. 8 para. 1(1) in force for certain purposes at 16.12.2003 by S.I. 2003/3222, art. 2; Sch. 8 para. 1 otherwise in force at 7.2.2005 by S.I.2004/2360, art. 2, Sch.

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

- 2 (1) This paragraph applies where, in respect of any premises, one or more existing licences have effect on the first appointed day.
- (2) A person may, within the period of six months beginning with the first appointed day, apply to the relevant licensing authority for the grant of a licence under paragraph 4 to succeed one or more of those existing licences.
- (3) But an application may be made under this paragraph in respect of an existing licence only if—
  - (a) it is held by the applicant, or
  - (b) the holder of the licence consents to the application being made.
- (4) An application under this paragraph must specify—
  - (a) the existing licensable activities under the relevant existing licence or, if there is more than one, the relevant existing licences,
  - (b) if any relevant existing licence authorises the supply of alcohol, specified information about the person whom the applicant wishes to be the premises supervisor under the licence granted under paragraph 4, and
  - (c) such other information as may be specified.
- (5) The application must also be in the specified form and accompanied by—
  - (a) the relevant documents, and
  - (b) the specified fee.
- (6) The relevant documents are—
  - (a) the relevant existing licence or, if there is more than one, each of them (or a certified copy of the licence or licences in question),

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- (b) a plan in the specified form of the premises to which the relevant existing licence or licences relate,
  - (c) if any relevant existing licence authorises the supply of alcohol, any children’s certificate in force in respect of the premises (or a certified copy of any such certificate),
  - (d) a form of consent in the specified form, given by the individual (if any) named in the application in accordance with sub-paragraph (4)(b),
  - (e) a form of consent in the specified form, given by any person who is required to consent to the application under sub-paragraph (3), and
  - (f) such other documents as may be specified.
- (7) In this paragraph any reference to a certified copy of a document is a reference to a copy of that document certified to be a true copy—
- (a) in the case of a justices' licence, children’s certificate or canteen licence, by the chief executive of the licensing justices for the licensing district in which the premises are situated,
  - (b) in any other case, by the chief executive of the local authority which issued the licence,
  - (c) by a solicitor or notary, or
  - (d) by a person of a specified description.
- (8) A document which purports to be a certified copy of an existing licence or children’s certificate is to be taken to be such a copy unless the contrary is shown.

#### **Commencement Information**

**I15** Sch. 8 para. 2(4)(b)(c)(6)(b)(d)-(f)(7)(d) in force at 16.12.2003 by S.I. 2003/3222, art. 2, Sch.; Sch. 8 para. 2 in force otherwise at 7.2.2005 by S.I. 2004/2360, art. 2, Sch.

#### *Police consultation*

- 3 (1) Where a person makes an application under paragraph 2, he must give a copy of the application (and any documents which accompanied it) to the chief officer of police for the police area (or each police area) in which the premises are situated no later than 48 hours after the application is made.
- (2) Where—
- (a) an appeal is pending against a decision to revoke, or to reject an application for the renewal of, the relevant existing licence or, if there is more than one such licence, a relevant existing licence, and
  - (b) a chief officer of police who has received a copy of the application under sub-paragraph (1) is satisfied that converting that existing licence in accordance with this Part would undermine the crime prevention objective,
- he must give the relevant licensing authority and the applicant a notice to that effect.
- (3) Where a chief officer of police who has received a copy of an application under sub-paragraph (1) is satisfied that, because of a material change in circumstances since the relevant time, converting the relevant existing licence or, if there is more than one such licence, a relevant existing licence in accordance with this Part would undermine the crime prevention objective, he must give the relevant licensing authority and the applicant a notice to that effect.

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- (4) For this purpose “relevant time” means the time when the relevant existing licence was granted or, if it has been renewed, the last time it was renewed.
- (5) The chief officer of police may not give a notice under sub-paragraph (2) or (3) after the end of the period of 28 days beginning with the day on which he received a copy of the application under sub-paragraph (1).

#### *Determination of application*

- 4 (1) This paragraph applies where an application is made in accordance with paragraph 2 and the applicant complies with paragraph 3(1).
- (2) Subject to sub-paragraphs (3) and (5), the relevant licensing authority must grant the application.
- (3) Where a notice is given under paragraph 3(2) or (3) in respect of an existing licence (and not withdrawn), the authority must—
  - (a) hold a hearing to consider it, unless the authority, the applicant and the chief officer of police who gave the notice agree that a hearing is unnecessary, and
  - (b) having regard to the notice—
    - (i) in a case where the application relates only to that licence, reject the application, and
    - (ii) in any other case, reject the application to the extent that it relates to that licence,if it considers it necessary for the promotion of the crime prevention objective to do so.
- (4) If the relevant licensing authority fails to determine the application within the period of two months beginning with the day on which it received it, then, subject to sub-paragraph (5), the application is to be treated as granted by the authority under this paragraph.
- (5) An application must not be granted (and is not to be treated as granted under sub-paragraph (4))—
  - (a) if the relevant existing licence has or, if there is more than one, all the relevant existing licences have ceased to be held by the applicant before the relevant time, or
  - (b) where there is more than one relevant existing licence (but paragraph (a) does not apply), to the extent that the application relates to an existing licence which has ceased to be held by the applicant before the relevant time.
- (6) For the purposes of sub-paragraph (5)—
  - (a) where, for the purposes of paragraph 2(3)(b) a person has consented to an application being made in respect of a relevant existing licence, sub-paragraph (5)(a) and (b) applies in relation to that licence as if the reference to the applicant were a reference to—
    - (i) that person, or
    - (ii) any other person to whom the existing licence has been transferred and who has given his consent for the purposes of this paragraph, and

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(b) “the relevant time” is the time of the determination of the application or, in a case within sub-paragraph (4), the end of the period mentioned in that sub-paragraph.

(7) Section 10 applies as if the relevant licensing authority’s functions under sub-paragraph (3) were included in the list of functions in subsection (4) of that section (functions which cannot be delegated to an officer of the licensing authority).

*Notification of determination and issue of new licence*

5 (1) Where an application is granted (in whole or in part) under paragraph 4, the relevant licensing authority must forthwith—

(a) give the applicant a notice to that effect, and

(b) issue the applicant with—

(i) a licence in respect of the premises (a “new licence”) in accordance with paragraph 6, and

(ii) a summary of the new licence.

(2) Where an application is rejected (in whole or in part) under paragraph 4, the relevant licensing authority must forthwith give the applicant a notice to that effect stating the authority’s reasons for its decision to reject the application.

(3) The relevant licensing authority must give a copy of any notice it gives under sub-paragraph (1) or (2) to the chief officer of police for the police area (or each police area) in which the premises to which the notice relates are situated.

*The new licence*

6 (1) This paragraph applies where a new licence is granted under paragraph 4 in respect of one or more existing licences.

(2) Where an application under paragraph 2 is granted in part only, any relevant existing licence in respect of which the application was rejected is to be disregarded for the purposes of the following provisions of this paragraph.

(3) The new licence is to be treated as if it were a premises licence (see section 11), and sections 19, 20 and 21 (mandatory conditions for premises licences) apply in relation to it accordingly.

(4) The new licence takes effect on the second appointed day.

(5) The new licence must authorise the premises in question to be used for the existing licensable activities under the relevant existing licence or, if there is more than one relevant existing licence, the relevant existing licences.

(6) Subject to sections 19, 20 and 21 and the remaining provisions of this paragraph, the new licence must be granted subject to such conditions as reproduce the effect of—

(a) the conditions subject to which the relevant existing licence has effect at the time the application is granted, or

(b) if there is more than one relevant existing licence, all the conditions subject to which those licences have effect at that time.

(7) Where the new licence authorises the supply of alcohol, the new licence must designate the person named in the application under paragraph 2(4)(b) as the premises supervisor.



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- (8) The new licence must also be granted subject to conditions which reproduce the effect of any restriction imposed on the use of the premises for the existing licensable activities under the relevant existing licence or licences by any enactment specified for the purposes of this Part.
- (9) In determining those restrictions, the relevant licensing authority must have regard to any children's certificate which accompanied (or a certified copy of which accompanied) the application and which remains in force.
- (10) Nothing in sub-paragraph (6) or (8) requires the new licence to be granted for a limited period.
- (11) But, where the application under paragraph 2 includes a request for the new licence to have effect for a limited period, the new licence is to be granted subject to that condition.

#### Commencement Information

**116** Sch. 8 para. 6(8) in force at 16.12.2003 by S.I. 2003/3222, art. 2, Sch.; Sch. 8 para. 6(1)-(7)(9)-(11) in force at 7.2.2005 by S.I. 2004/2360, art. 2, Sch.

#### *Variation of new licence*

- 7 (1) A person who makes an application under paragraph 2 may (notwithstanding that no licence has yet been granted in consequence of that application) at the same time apply—
  - (a) under section 37 for any licence so granted to be varied so as to specify the individual named in the application as the premises supervisor, or
  - (b) under section 34 for any other variation of any such licence,and for the purposes of an application within paragraph (a) or (b) the applicant is to be treated as the holder of that licence.
- (2) In relation to an application within sub-paragraph (1)(a) or (b), the relevant licensing authority may discharge its functions under section 35 or 39 only if, and when, the application under paragraph 2 has been granted.
- (3) Where an application within sub-paragraph (1)(a) or (b) is not determined by the relevant licensing authority within the period of two months beginning with the day the application was received by the authority, it is to be treated as having been rejected by the authority under section 35 or 39 (as the case may be) at the end of that period.

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

- 8 (1) This paragraph applies where the relevant licensing authority grants a new licence under this Part in respect of one or more existing licences.
- (2) If sub-paragraph (4) applies to the existing licence (or each of the existing licences) which the new licence succeeds, the new licence lapses.
- (3) If—
  - (a) where the new licence relates to more than one relevant existing licence, sub-paragraph (4) applies to one or more, but not all, of those licences, or

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- (b) sub-paragraph (4) applies to a children's certificate in respect of the premises,  
the licensing authority must amend the new licence so as to remove from it any provision which would not have been included in it but for the existence of any existing licence or certificate to which sub-paragraph (4) applies.
- (4) This sub-paragraph applies to an existing licence or children's certificate if—
- (a) it is revoked before the second appointed day, or
  - (b) where an appeal against a decision to revoke it is pending immediately before that day, the appeal is dismissed or abandoned.
- (5) Any amendment under sub-paragraph (3) takes effect when it is notified to the holder of the new licence by the relevant licensing authority.
- (6) The relevant licensing authority must give a copy of any notice under sub-paragraph (5) to the chief officer of police for the police area (or each police area) in which the premises to which the new licence relates are situated.

#### *Appeals*

- 9 (1) Where an application under paragraph 2 is rejected (in whole or in part) by the relevant licensing authority, the applicant may appeal against that decision.
- (2) Where a licensing authority grants such an application (in whole or in part), any chief officer of police who gave a notice in relation to it under paragraph 3(2) or (3) (that was not withdrawn) may appeal against that decision.
- (3) Where a licence is amended under paragraph 8, the holder of the licence may appeal against that decision.
- (4) Section 181 and paragraph 9(1) and (2) of Schedule 5 (general provision about appeals against decisions under Part 3 of this Act) apply in relation to appeals under this paragraph as they apply in relation to appeals under Part 1 of that Schedule.
- (5) Paragraph 9(3) of that Schedule applies in relation to an appeal under sub-paragraph (2).

#### *False statements*

- 10 (1) A person commits an offence if he knowingly or recklessly makes a false statement in or in connection with an application under paragraph 2.
- (2) For the purposes of sub-paragraph (1) a person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

#### *Opening hours*

- 11 (1) This paragraph applies where—
- (a) within such period (of not less than six months) as may be specified, the holder of a justices' licence for any premises applies, in accordance with Part

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- 3 of this Act, for the grant of a premises licence in respect of those premises, and
- (b) the licence, if granted in the form applied for, would authorise the sale by retail of alcohol.
- (2) In determining the application for the premises licence under section 18, the relevant licensing authority may not, by virtue of subsection (3)(b) of that section, grant the licence subject to conditions which prevent the sale of alcohol on the premises during the permitted hours.
- (3) But sub-paragraph (2) does not apply where—
- (a) there has been a material change in circumstances since the relevant time, and
- (b) the relevant representations made in respect of the application include representations made by the chief officer of police for the police area (or any police area) in which the premises are situated advocating that, for the purposes of promoting the crime prevention objective, the premises licence ought to authorise the sale of alcohol during more restricted hours than the permitted hours.
- (4) In this paragraph—
- “permitted hours” means the permitted hours during which the holder of the justices' licence is permitted to sell alcohol on the premises under Part 3 of the 1964 Act;
- “relevant representations” has the meaning given in section 18(6); and
- “relevant time” means the time when the justices' licence was granted or, if it has been renewed, the last time it was renewed.

#### **Commencement Information**

**I17** Sch. 8 para. 11(1)(a) in force at 16.12.2003 by S.I. 2003/3222, art. 2, Sch.; Sch. 8 para. 11(1)(b)(2)-(4) in force at 7.2.2005 by S.I. 2004/2360, art. 2, Sch.

#### *Provisional licences*

- 12 (1) Where—
- (a) during such period as may be specified the relevant licensing authority receives an application in accordance with Part 3 of this Act for the grant of a premises licence in respect of any premises (“the relevant premises”),
- (b) under section 6 of the 1964 Act, a provisional grant of a justices' licence has been made for—
- (i) the relevant premises or a part of them, or
- (ii) premises that are substantially the same as the relevant premises or a part of them, and
- (c) the conditions of sub-paragraph (2) are satisfied,
- the licensing authority must have regard to the provisional grant of the justices' licence when determining the application for the grant of the premises licence.
- (2) The conditions are—
- (a) that the provisional grant of the justices' licence has not been declared final, and

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- (b) that the premises to which the provisional grant relates have been completed in a manner which substantially complies with the plans deposited under the 1964 Act or, as the case may be, with those plans with modifications consented to under section 6(3) of that Act.

**Commencement Information**

**I18** Sch. 8 para. 12(1)(a) in force at 16.12.2003 by S.I. 2003/3222, art. 2, Sch.; Sch. 8 para. 12(1)(b)(c)(2) in force at 7.2.2005 by S.I. 2004/2360, art. 2, Sch.

**PART 2** E+W

CLUB PREMISES CERTIFICATES

*Introductory*

- 13 (1) In this Part—
- “existing club certificate” means a certificate held by a club under Part 2 of the 1964 Act for any premises;
- “existing qualifying club activities” means the qualifying club activities authorised by the relevant existing club certificate in respect of those premises;
- “first appointed day” means such day as may be specified as the first appointed day for the purposes of this Part;
- “relevant existing club certificate”, in relation to an application under paragraph 14, means the existing club certificate to which the application relates;
- “relevant licensing authority” has the same meaning as in Part 4 of this Act (club premises certificates); and
- “second appointed day” means such day as may be specified as the second appointed day for the purposes of this Part.
- (2) In the application of section 68 (relevant licensing authority in Part 4 of this Act) for the purposes of this Part, the reference in subsection (4) of that section to an applicant for a club premises certificate is to be read as a reference to an applicant under paragraph 14 for the grant of a certificate under paragraph 16.

**Commencement Information**

**I19** Sch. 8 para. 13(1) in force for certain purposes at 16.12.2003 by S.I. 2003/3222, art. 2, Sch.; Sch. 8 para. 13 otherwise in force at 7.2.2005 by S.I. 2004/2360, art. 2, Sch.

*Application for conversion of existing club certificate*

- 14 (1) This paragraph applies where, in respect of any premises, a club holds an existing club certificate on the first appointed day.
- (2) The club may, within the period of six months beginning with the first appointed day, apply to the relevant licensing authority for the grant of a certificate under paragraph 16 to succeed the existing club certificate so far as it relates to those premises.

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- (3) An application under this Part must specify the existing qualifying club activities and such other information as may be specified.
- (4) The application must also be in the specified form and accompanied by—
  - (a) the relevant documents, and
  - (b) the specified fee.
- (5) The relevant documents are—
  - (a) the relevant existing club certificate (or a certified copy of it),
  - (b) a plan in the specified form of the premises to which that certificate relates, and
  - (c) such other documents as may be specified.
- (6) In this paragraph any reference to a certified copy of a document is a reference to a copy of that document certified to be a true copy—
  - (a) by the chief executive of the licensing justices for the licensing district in which the premises are situated,
  - (b) by a solicitor or notary, or
  - (c) by a person of a specified description.
- (7) A document which purports to be a certified copy of an existing club certificate is to be taken to be such a copy unless the contrary is shown.

#### **Commencement Information**

**I20** Sch. 8 para. 14(3)-(5)(6)(c) in force at 16.12.2003 by S.I. 2003/3222, art. 2, Sch.; Sch. 8 para. 14(1)(2)(6)(a)(b)(7) in force at 7.2.2005 by S.I. 2004/2360, art. 2, Sch.

#### *Police consultation*

- 15 (1) Where a person makes an application under paragraph 14, he must give a copy of the application (and any documents which accompany it) to the chief officer of police for the police area (or each police area) in which the premises are situated no later than 48 hours after the application is made.
- (2) Where—
  - (a) an appeal is pending against a decision to revoke, or to reject an application for the renewal of, the relevant existing club certificate, and
  - (b) a chief officer of police who has received a copy of the application under sub-paragraph (1) is satisfied that converting that existing club certificate in accordance with this Part would undermine the crime prevention objective, he must give the relevant licensing authority and the applicant a notice to that effect.
- (3) Where a chief officer of police who has received a copy of the application under sub-paragraph (1) is satisfied that, because of a material change in circumstances since the relevant time, converting the relevant existing club certificate in accordance with this Part would undermine the crime prevention objective, he must give the relevant licensing authority and the applicant a notice to that effect.
- (4) For this purpose “the relevant time” means the time when the relevant existing club certificate was granted or, if it has been renewed, the last time it was renewed.

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- (5) The chief officer of police may not give a notice under sub-paragraph (2) or (3) after the end of the period of 28 days beginning with the day on which he received a copy of the application under sub-paragraph (1).

*Determination of application*

- 16 (1) This paragraph applies where an application is made in accordance with paragraph 14 and the applicant complies with paragraph 15(1).
- (2) Subject to sub-paragraphs (3) and (5), the licensing authority must grant the application.
- (3) Where a notice is given under paragraph 15(2) or (3) (and not withdrawn), the authority must—
- (a) hold a hearing to consider it, unless the authority, the applicant and the chief officer of police who gave the notice agree that a hearing is unnecessary, and
  - (b) having regard to the notice, reject the application if it considers it necessary for the promotion of the crime prevention objective to do so.
- (4) If the relevant licensing authority fails to determine the application within the period of two months beginning with the day on which it received it, then, subject to sub-paragraph (5), the application is to be treated as granted by the authority under this paragraph.
- (5) An application must not be granted (and is not to be treated as granted under sub-paragraph (4)) if the existing club certificate has ceased to have effect at—
- (a) the time of the determination of the application, or
  - (b) in a case within sub-paragraph (4), the end of the period mentioned in that sub-paragraph.
- (6) Section 10 applies as if the relevant licensing authority's functions under sub-paragraph (3) were included in the list of functions in subsection (4) of that section (functions which cannot be delegated to an officer of the licensing authority).

*Notification of determination and issue of new certificate*

- 17 (1) Where an application is granted under paragraph 16, the relevant licensing authority must forthwith—
- (a) give the applicant a notice to that effect, and
  - (b) issue the applicant with—
    - (i) a certificate in respect of the premises (“the new certificate”) in accordance with paragraph 18, and
    - (ii) a summary of the new certificate.
- (2) Where an application is rejected under paragraph 16, the relevant licensing authority must forthwith give the applicant a notice to that effect containing a statement of the authority's reasons for its decision to reject the application.
- (3) The relevant licensing authority must give a copy of any notice it gives under sub-paragraph (1) or (2) to the chief officer of police for the police area (or each police area) in which the premises to which the notice relates are situated.

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#### *The new certificate*

- 18 (1) The new certificate is to be treated as if it were a club premises certificate (see section 60), and sections 73, 74 and 75 apply in relation to it accordingly.
- (2) The new certificate takes effect on the second appointed day.
- (3) The new certificate must authorise the premises to be used for the existing qualifying club activities.
- (4) Subject to sections 73, 74 and 75, the new certificate must be granted subject to such conditions as reproduce the effect of the conditions subject to which the relevant existing club certificate has effect at the time the application is granted.
- (5) The new certificate must also be granted subject to conditions which reproduce the effect of any restriction imposed on the use of the premises for the existing qualifying club activities by any enactment specified for the purposes of this Part.
- (6) Nothing in sub-paragraph (4) or (5) requires the new certificate to be granted for a limited period.

#### **Commencement Information**

**I21** Sch. 8 para. 18(5) in force at 16.12.2003 by S.I. 2003/3222, art. 2, Sch.; Sch. 8 para. 18(1)-(4)(6) in force at 7.2.2005 by S.I. 2004/2360, art. 2, Sch.

#### *Variation of new certificate*

- 19 (1) A person who makes an application under paragraph 14 may (notwithstanding that no certificate has yet been granted in consequence of that application) at the same time apply under section 84 for a variation of the certificate, and, for the purposes of such an application, the applicant is to be treated as the holder of that certificate.
- (2) In relation to an application within sub-paragraph (1), the relevant licensing authority may discharge its functions under section 85 only if, and when, the application under this Part has been granted.
- (3) Where an application within sub-paragraph (1) is not determined by the relevant licensing authority within the period of two months beginning with the day the application was received by the authority, it is to be treated as having been rejected by the authority under section 85 at the end of that period.

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

- 20 Where the relevant licensing authority grants a new certificate under this Part, that certificate lapses if and when—
- (a) the existing club certificate is revoked before the second appointed day, or
- (b) where an appeal against a decision to revoke it is pending immediately before that day, the appeal is dismissed or abandoned.

#### *Appeals*

- 21 (1) Where an application under paragraph 14 is rejected by the relevant licensing authority, the applicant may appeal against that decision.

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- (2) Where a licensing authority grants such an application, any chief officer of police who gave a notice under paragraph 15(2) or (3) (that was not withdrawn) may appeal against that decision.
- (3) Section 181 and paragraph 15(1) and (2) of Schedule 5 (general provision about appeals against decisions under Part 4 of this Act) apply in relation to appeals under this paragraph as they apply in relation to appeals under Part 2 of that Schedule.
- (4) Paragraph 15(3) of that Schedule applies in relation to an appeal under sub-paragraph (2).

#### *False statements*

- 22 (1) A person commits an offence if he knowingly or recklessly makes a false statement in or in connection with an application under paragraph 14.
- (2) For the purposes of sub-paragraph (1) a person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### **PART 3 E+W**

#### PERSONAL LICENCES

##### *Introductory*

- 23 (1) Paragraphs 24 to 27 apply where—
  - (a) during the transitional period, the holder of a justices' licence applies to the relevant licensing authority for the grant of a personal licence under section 117,
  - (b) the application is accompanied by the documents mentioned in sub-paragraph (3), and
  - (c) the applicant gives a copy of the application to the chief officer of police for the relevant licensing authority's area within 48 hours from the time the application is made.
- (2) In this paragraph "transitional period" means such period (of not less than six months) as may be specified for the purposes of this Part.
- (3) The documents are—
  - (a) the justices' licence (or a certified copy of that licence),
  - (b) a photograph of the applicant in the specified form which is endorsed, by a person of a specified description, with a statement verifying the likeness of the photograph to the applicant, and
  - (c) where the applicant has been convicted of any relevant offence or foreign offence on or after the relevant date, a statement giving details of the offence.



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- (4) In this paragraph any reference to a certified copy of a justices' licence is to a copy of that licence certified to be a true copy—
- (a) by the chief executive of the licensing justices for the licensing district concerned,
  - (b) by a solicitor or notary, or
  - (c) by a person of a specified description.
- (5) A document which purports to be a certified copy of a justices' licence is to be taken to be such a copy, unless the contrary is shown.

**Commencement Information**

**I22** Sch. 8 para. 23(2)(3)(b)(4)(c) in force at 16.12.2003 by S.I. 2003/3222, art. 2, Sch.; Sch. 8 para. 23 otherwise in force at 7.2.2005 by S.I. 2004/2360, art. 2, Sch.

*Section 120 disapplied*

- 24 Section 120 (determination of application for grant) does not apply in relation to the application.

*Police objections*

- 25 (1) Sub-paragraph (2) applies where—
- (a) the applicant has been convicted of any relevant offences or foreign offences on or after the relevant date, and
  - (b) having regard to—
    - (i) any conviction of the applicant for a relevant offence, and
    - (ii) any conviction of his for a foreign offence which the chief officer of police considers to be comparable to a relevant offence,whether occurring before or after the relevant date, the chief officer of police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective.
- (2) The chief officer of police must give a notice stating the reasons why he is so satisfied (an “objection notice”)—
- (a) to the relevant licensing authority, and
  - (b) to the applicant.
- (3) The objection notice must be given no later than 28 days after the day on which the chief officer of police receives a copy of the application in accordance with paragraph 23(1)(c).
- (4) For the purposes of this paragraph—
- (a) “relevant offence” and “foreign offence” have the meaning given in section 113, and
  - (b) section 114 (spent convictions) applies for the purposes of this paragraph as it applies for the purposes of section 120.

*Determination of application*

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

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- (a) it is satisfied that the applicant holds a justices' licence, and
  - (b) no objection notice has been given within the period mentioned in paragraph 25(3) or any notice so given has been withdrawn.
- (2) Where the authority is not satisfied that the applicant holds a justices' licence, it must reject the application.
- (3) Where the authority is so satisfied, but sub-paragraph (1)(b) does not apply, it—
- (a) must hold a hearing to consider the objection notice, and
  - (b) having regard to the notice, must—
    - (i) reject the application if it considers it necessary for the promotion of the crime prevention objective to do so, and
    - (ii) grant the application in any other case.
- (4) If the authority fails to determine the application within the period of three months beginning with the day on which it receives it, then, the application is to be treated as granted by the authority under this paragraph.
- (5) Section 10 applies as if the relevant licensing authority's functions under sub-paragraph (3) were included in the list of functions in subsection (4) of that section (functions which cannot be delegated to an officer of the licensing authority).
- (6) In the application of section 122 (notification of determinations) to a determination under this paragraph, the references to an objection notice are to be read as references to an objection notice within the meaning of paragraph 25(2).

### *Appeals*

- 27 (1) Where a licensing authority rejects an application under paragraph 26, the applicant may appeal against that decision.
- (2) Where a licensing authority grants an application for a personal licence under paragraph 26(3), the chief officer of police who gave the objection notice may appeal against that decision.
- (3) Section 181 and paragraph 17(6) and (7) of Schedule 5 (general provision about appeals relating to personal licences) apply in relation to appeals under this paragraph as they apply in relation to appeals under paragraph 17 of that Schedule.
- (4) Paragraph 17(8) of that Schedule applies in relation to an appeal under sub-paragraph (2) above.

### *Interpretation of Part 3*

- 28 For the purposes of this Part—
- “relevant date”, in relation to the holder of a justices' licence, means—
- (a) the date when the licence was granted, or
  - (b) where it has been renewed, the last date when it was renewed, or
  - (c) where it has been transferred to the holder and has not been renewed since the transfer, the date when it was transferred; and
- “relevant licensing authority”, in relation to an application for a personal licence under section 117, means the authority to which the application is made in accordance with that section.

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## PART 4 **E+W**

### MISCELLANEOUS AND GENERAL

#### *Consultation on licensing policy*

29 Until such time as section 59 of the 1964 Act (prohibition of sale, etc. of alcohol except during permitted hours and in accordance with justices' licence etc.) ceases to have effect in accordance with this Act, section 5(3) of this Act (licensing authority's duty to consult before determining licensing policy) has effect as if for paragraphs (c) to (e) there were substituted—

“(c) such persons as the licensing authority considers to be representative of holders of existing licences (within the meaning of Part 1 of Schedule 8) in respect of premises situated in the authority's area,

(d) such persons as the licensing authority considers to be representative of clubs registered (within the meaning of the Licensing Act 1964 (c. 26)) in respect of any premises situated in the authority's area.”.

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

30 Until such time as an order is made under subsection (6) of section 5 of the Finance Act 1995 (c. 4) (denatured alcohol) bringing that section into force, section 191 of this Act (meaning of “alcohol”) has effect as if—

(a) for subsection (1)(f) there were substituted—

“(f) methylated spirits,” and

(b) in subsection (2), the definition of “denatured alcohol” were omitted and at the appropriate place there were inserted—

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

VALID FROM 24/11/2005

#### *Savings*

31 Notwithstanding the repeal by this Act of Schedule 12 to the London Government Act 1963 (c. 33) (licensing of public entertainment in Greater London), or of any enactment amending that Schedule, that Schedule shall continue to apply in relation to—

(a) licences granted under section 21 of the Greater London Council (General Powers) Act 1966 (c. xxviii) (licensing of public exhibitions in London), and

(b) licences granted under section 5 of the Greater London Council (General Powers) Act 1978 (c. xiii) (licensing of entertainments booking offices in London),

as it applied before that repeal.

32 (1) In Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (c. 30) (control of sex establishments), paragraph (ii) of the proviso to paragraph 3A (as substituted by paragraph 85(3) of Schedule 6 to this Act) does not apply in relation to a borough of a participating council (within the meaning of section 2 of the

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London Local Authorities Act 1990 (c. vii) which has appointed a day under section 3 of that Act for the coming into force of section 18 of that Act (repeal of paragraph (ii) of the proviso to paragraph 3A of Schedule 3 to that Act).

(2) On or after the coming into force of paragraph 85(3) of Schedule 6 to this Act, the reference in section 18 of that Act to paragraph (ii) of the proviso to paragraph 3A of Schedule 3 to that Act is to be read as a reference to that paragraph as substituted by paragraph 85(3) of Schedule 6 to this Act.

33 Notwithstanding that by virtue of this Act the Cinemas Act 1985 (c. 13) ceases to have effect in England and Wales, section 6 of that Act (other than subsection (3)), and sections 5, 20 and 21 of that Act so far as relating to that section, shall continue to have effect there for the purposes of—

- (a) paragraph 3(2)(b) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (definition of “sex cinema”), and
- (b) section 3(6)(b) of the Video Recordings Act 1984 (c. 39) (exempted supplies).

#### *Interpretation*

34 In this Schedule—

- “justices' licence” means a justices' licence under Part 1 of the 1964 Act;
- “specified” means specified by order; and
- “the 1964 Act” means the Licensing Act 1964 (c. 26).

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