
EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the Licensing Act 2003 (Fees) Regulations 2005 ([S.I. 2005/79](#)) (“the principal Regulations”) to correct errors in the scope of regulation 4(2) in the principal Regulations and concerning the fees payable where an application is made for the conversion of an existing licence during the transitional period and an application to vary is made at the same time.

In regulation 4, paragraph (2) has been amended so as to provide that the paragraph applies where an application relates to premises in Band D or Band E which are used exclusively or primarily for the carrying on on the premises of the supply of alcohol for consumption on the premises. Previously it appeared that the paragraph applied where the application related to premises in Band D or Band E and to the use of premises exclusively or primarily for the carrying on on the premises of the supply of alcohol for consumption on the premises.

Regulation 4(2) has also been amended to make it subject to paragraphs (6) and (7) in the case of an application under section 34. Regulation 4(3) has been amended to make it subject to paragraph (7) as well as to paragraph (6) in the case of an application under section 34. The effect of these amendments is that in respect of an application to vary which is made at the same time as an application to convert an existing licence to a new premises licence:—

- (a) where the application relates in any way or to any extent to the supply of alcohol for consumption on the premises, a reduced fee will be payable for the application to vary (paragraph (6) and Schedule 4); and
- (b) where such an application does not relate in any way or to any extent to the supply of alcohol for consumption on the premises, no fee will be payable for the application to vary (paragraph (7)).

In regulation 4(4) for “an additional fee” there has been substituted “a fee in addition to any fee determined under paragraph (2) or (3).” This is intended to reflect the fact that, in consequence of the new regulation 4(7), there are circumstances in which there is no requirement for the application to be accompanied by a fee determined under paragraph (2) or (3).

New paragraphs (7), (8) and (9) are inserted at the end of regulation 4.

The effect of regulation 4(7) is that no fee is payable in respect of an application to vary which is made at the same time as an application to convert an existing licence to a new premises licence under paragraph 2 of Schedule 8 to the Act where the application does not relate in any way or to any extent to the supply of alcohol for consumption on the premises to which the application relates.

The effect of regulation 4(8) is that, subject to paragraph (9), no fee is payable under regulation 4(4) in respect of an application to vary which is made at the same time as an application to convert an existing licence to a new licence under paragraph 2 of Schedule 8 to the Act.

Regulation 4(9) provides that paragraph (8) does not apply where the licence, in respect of which the application under section 34 is made, does not authorise licensable activities to take place when the maximum number of people allowed on the premises is 5000 or more, and the variation sought would authorise licensable activities to take place when the maximum number of people allowed on the premises is 5000 or more.