

2012 No. 963

CRIMINAL LAW, ENGLAND AND WALES

LICENCES AND LICENSING, ENGLAND AND WALES

**The Licensing Act 2003 (Persistent Selling of Alcohol to
Children) (Prescribed Form of Closure Notice)
Regulations 2012**

<i>Made</i> - - - -	<i>24th March 2012</i>
<i>Laid before Parliament</i>	<i>30th March 2012</i>
<i>Coming into force</i> - -	<i>25th April 2012</i>

The Secretary of State, in exercise of the powers conferred by section 169A(3) of the Licensing Act 2003(a), makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Licensing Act 2003 (Persistent Selling of Alcohol to Children) (Prescribed Form of Closure Notice) Regulations 2012 and come into force on 25th April 2012.

Revocation

2. The Licensing Act 2003 (Persistent Selling of Alcohol to Children) (Prescribed Form of Closure Notice) Regulations 2007(b) are revoked.

Prescribed form

3. A closure notice given pursuant to section 169A of the Licensing Act 2003 (Closure notice for persistently selling alcohol to children) is to be in the form set out in the Schedule.

Home Office
24th March 2012

Lord Henley
Minister of State

(a) 2003 c.17. Section 169A(2)(a) and (4) (which make further provision relevant to the contents of a closure notice) were amended by section 118(1) and (3) of the Police Reform and Social Responsibility Act 2011 (c. 13).
(b) S.I. 2007/1183.

SCHEDULE

Regulation 3

CLOSURE NOTICE FOR PERSISTENTLY SELLING ALCOHOL TO CHILDREN

Section 169A(2) of the Licensing Act 2003

This notice offers a period of closure as an alternative to criminal prosecution for an offence of repeatedly selling alcohol to underage persons. It is addressed to the person(s) (which may include a company etc.) who hold the relevant premises licence for the premises concerned. A copy of this closure notice will be sent to the holder of the premises licence at the address for that person set out in the licence.

The premises licence holder(s) should read parts 10, 11, 12 and 13 of this notice with particular care as they contain information concerning their rights. If you have been handed this notice and are not the premises licence holder, you may wish to inform the premises licence holder(s) that this notice has been served.

1. Name and rank of the police officer (must hold the rank of superintendent or above) / name of the inspector of weights and measures <i>[delete as appropriate]</i> giving this closure notice.											
2. Name of the police, community support or trading standards officer <i>[delete as appropriate]</i> serving this closure notice. (A closure notice may be served by being handed to a person on the premises who appears to have control of or responsibility for the premises and who need not be the premises licence holder).											
3. Date on which closure notice is given.				D	D	M	M	Y	Y	Y	Y

Details of premises and premises licence holder(s).	
4. Address of premises in respect of which this notice is being given.	
5. Premises licence reference number and issuing licensing authority.	
6. Name of premises licence holder(s).	
7. Address of premises licence holder(s). (This is the address to which a copy of this closure notice will be sent).	

8. Particulars of alleged offence under section 147A of the Licensing Act 2003, including:
<ul style="list-style-type: none"> particulars of unlawful sales made to persons under 18; dates of the sales; and the individuals making the sales (so far as known).
(Note: you can be liable for the offence if you were a premises licence holder at the time each unlawful sale took place on the premises).

First unlawful sale:	
Second unlawful sale:	

9. Proposed period (at least 48 hours but not more than 336 hours (14 days)) during which sales of alcohol by retail are to be prohibited (commencing not less than 14 days after this closure notice was served):

From	Time:	To	Time:
	Date:		Date:

10. Effect of accepting of the proposed prohibition (closure)

If you decide to accept the proposed closure (on how to do this, see part 12 below), all sales by retail of alcohol at the premises during the period specified in part 9 of this notice will be unauthorised. An unauthorised sale is a criminal offence (see section 136 of the Licensing Act 2003). A person guilty of an offence under that section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

11. Right to elect to go to trial

You do not have to accept the proposed closure. As an alternative, you may elect to be tried in a court of law for the offence described in part 8 above. That right may exercised by informing the officer named in part 14 in writing or by e-mail.

12. How to accept the proposed prohibition

In order to accept the proposed closure, all premises licence holder(s) should notify the officer named in part 14 of their decision in writing or by e-mail **within 14 days** of this notice being served. Failure to notify the officer named in part 14 of acceptance of the prohibition within 14 days will be taken as a decision to elect for trial for the alleged offence described in part 8.

13. Effect of a failure by one or more of the premises licence holders to accept the proposed prohibition.

The right to be tried for the alleged offence described in part 8 of this closure notice will be taken to have been exercised unless every person who was a holder of the premises licence at the time this notice was given accepts the proposed prohibition.

14. Name of the police officer or trading standards officer to whom notice exercising the option to accept the prohibition should be given, or election to go to trial must be sent, within 14 days.

The address of the officer in part 14.

E-mail address of the officer in part 14.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke the Licensing Act 2003 (Persistent Selling of Alcohol to Children) (Prescribed Form of Closure Notice) Regulations 2007 and prescribe the form of a closure notice given under section 169A of the Licensing Act 2003 (“the 2003 Act”) to give effect to certain amendments made to that Act by the Police Reform and Social Responsibility Act 2011.

A closure notice represents an alternative to prosecution under section 147A of the 2003 Act for the offence of persistently selling alcohol to children. The offence may be committed by the holder of a premises licence if on 2 or more occasions within 3 consecutive months alcohol is sold unlawfully to an individual aged under 18 on the premises to which the licence relates.

Previously, the effect of a closure notice was that alcohol sales at the licensed premises to which it relates could be prohibited for a period of up to 48 hours. Following the amendment to the 2003 Act, a closure notice may prohibit alcohol sales from the premises to which it relates for a period of between 48 and 336 hours.

These Regulations prescribe the form of a closure notice which contains reference to the period for which premises may be prohibited from making sales of alcohol in accordance with the amendment to the 2003 Act.

An impact assessment has not been produced for this instrument as no impact on businesses, charities, voluntary bodies or the public sector is foreseen.

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£4.00

E3038 04/2012 123038T 19585

