



# Police Reform and Social Responsibility Act 2011

## 2011 CHAPTER 13

### PART 2

#### LICENSING

### CHAPTER 2

#### LATE NIGHT LEVY

##### *Liability to pay late night levy*

#### **126 “Relevant late night authorisation” and related definitions**

- (1) This section applies for the purposes of this Chapter.
- (2) “Relevant late night authorisation”, in relation to a licensing authority and a levy year, means a premises licence or club premises certificate which—
  - (a) is granted by the authority, and
  - (b) authorises the supply of alcohol at a time or times during the late night supply period on one or more days in the related payment year.
- (3) The “late night supply period” in relation to a licensing authority means the period of the day decided by the authority under section 132 or 133.
- (4) A late night supply period must—
  - (a) begin at or after midnight, and
  - (b) end at or before 6 am.
- (5) The late night supply period determined by a licensing authority for a levy year must be the same—
  - (a) for each payment year beginning during the levy year, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) throughout each such payment year.
- (6) Regulations must make provision as to how payment years are to be determined in relation to holders of premises licences or club premises certificates.
- (7) Regulations under subsection (6) may, in particular—
  - (a) provide for a holder’s payment year to be determined by reference to the period in respect of which the holder is liable to pay an annual fee under section 55(2) or 92(2) of the Licensing Act 2003, or
  - (b) confer functions or a discretion on licensing authorities in relation to premises licences and club premises certificates granted by them.
- (8) Regulations under subsection (6) which provide for licensing authorities to determine payment years must require an authority to decide how the payment years are to be determined at the time the authority decides under section 125(2) that the late night levy requirement is to apply in its area.
- (9) For the purposes of this section, a payment year is related to a levy year if it begins at the same time as, or during, the levy year.

#### **127 Liability to pay late night levy**

- (1) Where the late night levy requirement applies in the area of a licensing authority, the holder of a relevant late night authorisation must pay a levy (“the late night levy”) to the authority in respect of that authorisation for each levy year, in accordance with this Chapter.
- (2) But a holder of a relevant late night authorisation who falls within an applicable exemption category is not liable to pay the late night levy in respect of that authorisation for the levy year.
- (3) For this purpose, “applicable exemption category”, in relation to a levy year, means a permitted exemption category that the licensing authority has decided under section 132 or 133 is to apply in its area for the levy year.

#### **128 Amount of late night levy**

- (1) For any levy year, the amount of the levy is—
  - (a) the amount prescribed by regulations, or
  - (b) the amount calculated in accordance with regulations.
- (2) But in the case of the holder of a relevant late night authorisation who falls within an applicable reduction category, the amount of the late night levy payable in respect of the authorisation is the reduced amount that applies in relation to that category (see section 135(4)).
- (3) For this purpose “applicable reduction category”, in relation to a levy year, means a permitted reduction category that the licensing authority has decided under section 132 or 133 is to apply in its area for the levy year.
- (4) Subject to subsection (2), regulations under subsection (1) must provide for the amount of the late night levy, or the manner in which it is to be calculated, to be the same for all persons liable to pay the levy in respect of an authorisation for the levy year.