
DRAFT STATUTORY INSTRUMENTS

2009 No.

The Provision of Services Regulations 2009

PART 10

SUPPLEMENTARY AND MISCELLANEOUS

Street trading

45.—(1) In section 3 of the Pedlars Act 1871(1) (interpretation)—

- (a) the words “mender of chairs” are omitted;
- (b) the words “, or selling or offering for sale his skill in handicraft” are omitted.

(2) Paragraphs (3) and (4) apply where—

- (a) a person obtains a certificate under the Pedlars Act 1871 before the coming into force of this paragraph, and
- (b) at any time after the coming into force of this paragraph, and before the date on which the certificate expires, the person carries on an activity which, but for paragraph (1), would have been carried on under the authority of the certificate.

(3) In England and Wales, a person referred to in paragraph (2) is for the purposes of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982(2) to be regarded as carrying on the activity under the authority of the certificate.

(4) In Northern Ireland, a person referred to in paragraph (2) is for the purposes of the Street Trading Act (Northern Ireland) 2001(3) to be regarded as carrying on the activity, where it is carried out by means of visits from house to house, under the authority of the certificate.

Disclosure of information under Employment Agencies Act 1973

46. In section 9(4) of the Employment Agencies Act 1973(4) (information obtained during inspection), in paragraph (a), at the end insert—

“; or

- (vi) to an authority in another EEA state pursuant to Part 9 of the Provision of Services Regulations 2009.”.

Sex establishments

47.—(1) Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (control of sex establishments) is amended as specified in paragraphs (2) to (4).

(2) In paragraph 10, for sub-paragraph (14) substitute—

(1) 1871 c. 96.
(2) 1982 c. 30.
(3) 2001 c. 8 (N.I.).
(4) 1973 c. 35.

“(14) A copy of an application for the grant, renewal or transfer of a licence under this Schedule shall be sent to the chief officer of police—

- (a) in a case where the application is made by means of a relevant electronic facility, by the appropriate authority not later than 7 days after the date the application is received by the authority;
- (b) in any other case, by the applicant not later than 7 days after the date of the application.

(14A) In sub-paragraph (14) above “relevant electronic facility” means—

- (a) the electronic assistance facility referred to in regulation 38 of the Provision of Services Regulations 2009, or
- (b) any facility established and maintained by the appropriate authority for the purpose of receiving applications under this Schedule electronically.”.

(3) In that paragraph, in sub-paragraph (20) omit—

- (a) “, if required to do so by the applicant or holder of the licence,”, and
- (b) “within 7 days of his requiring them to do so”.

(4) In paragraph 12(1)(c) and (d), for “the United Kingdom”, substitute “an EEA state”.

(5) For the purposes of regulation 19(5), the arrangements made by paragraph 10 of that Schedule fall within the “different arrangements” referred to in regulation 19(5).

Enforcement

48. In Schedule 13 to the Enterprise Act 2002(5) (listed Directives and Regulations), after paragraph 9C insert—

“**9D.** Directive [2006/123/EC](#) of the European Parliament and of the Council of 12 December 2006 on services in the internal market.”.

Licensing

49.—(1) The Licensing Act 2003(6) is amended as follows.

(2) In section 17 (application for a premises licence)—

- (a) in subsection (5), omit paragraph (b);
- (b) after subsection (5) insert—

“(6) The Secretary of State may by regulations—

- (a) require an applicant to give notice of his application to each responsible authority, and such other persons as may be prescribed, within the prescribed period, and
- (b) in a case where the application is made by means of a relevant electronic facility, require the relevant licensing authority to give notice of the application to such persons as may be prescribed, within the prescribed period.”.

(3) In section 34 (application to vary premises licence), for subsection (5), substitute—

“(5) The functions of the Secretary of State under subsections (5) and (6) of section 17 (advertisements etc. of application) apply in relation to applications under this section as they apply in relation to applications under that section.”.

(5) 2002 c. 40.

(6) 2003 c. 19.

(4) In section 37 (application to vary licence to specify individual as a premises supervisor), in subsection (4), for the words from “The holder” to “his application” substitute “Notice of an application under this section must be given”.

(5) In that section, after subsection (4) insert—

“(4A) Notice under subsection (4)(a) is to be given by—

- (a) the relevant licensing authority, in a case where the holder of the premises licence submitted the application to the relevant licensing authority by means of a relevant electronic facility;
- (b) the holder of the premises licence, in any other case.

“(4B) Notice under subsection (4)(b) is to be given by the holder of the premises licence.”.

(6) In section 42 (application for transfer of premises licence), in subsection (5), for “applicant must give notice of his” substitute “relevant person must give notice of the”.

(7) In that section, after subsection (5) insert—

“(5A) In subsection (5), “relevant person” means—

- (a) the relevant licensing authority, in a case where the applicant submitted the application to the relevant licensing authority by means of a relevant electronic facility;
- (b) the applicant, in any other case.”.

(8) In section 47 (interim authority notice following death etc of licence holder), after subsection (7) insert—

“(7A) Where the interim authority notice was given to the relevant licensing authority by means of a relevant electronic facility—

- (a) subsection (7)(a) does not apply, and
- (b) the relevant licensing authority must forthwith give a copy of the notice to the chief officer of police for the police area (or each police area) in which the premises are situated.”.

(9) In section 71 (application for a club premises certificate)—

- (a) in subsection (6), omit paragraph (b);
- (b) after subsection (6) insert—

“(7) The Secretary of State may by regulations—

- (a) require an applicant to give notice of his application to each responsible authority, and such other persons as may be prescribed, within the prescribed period, and
- (b) in a case where the application is made by means of a relevant electronic facility, require the relevant licensing authority to give notice of the application to such persons as may be prescribed, within the prescribed period.”.

(10) In section 84 (application to vary club premises certificate), for subsection (4), substitute—

“(4) The functions of the Secretary of State under subsections (6) and (7) of section 71 (advertisements etc. of application) apply in relation to applications under this section as they apply in relation to applications under that section.”.

(11) In section 100 (temporary event notice), in subsection (7)(a), omit “(in duplicate)”.

(12) In section 104 (objection to notice by the police), after subsection (1) insert—

“(1A) Where the premises user gave the temporary event notice to the relevant licensing authority by means of a relevant electronic facility—

- (a) subsection (1) does not apply, and
 - (b) the relevant licensing authority must give a copy of the notice to the relevant chief officer of police no later than the end of the first working day after the day on which the notice was given to the relevant licensing authority.”.
- (13) In that section, in subsections (2) and (3), after “subsection (1)” insert “or (1A)”.
- (14) In section 193 (other definitions), after the definition of “regulations” insert—
- ““relevant electronic facility” means—
- (a) the electronic assistance facility referred to in regulation 38 of the Provision of Services Regulations 2009, or
 - (b) any facility established and maintained by a licensing authority for the purpose of receiving applications, notices or representations electronically;”.
- (15) In section 194 (index of defined expressions), after the entry relating to “regulations” insert—
- ““relevant electronic facility”section 193”.