



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 9

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Exemptions etc.*

#### **173 Activities in certain locations not licensable**

- (1) An activity is not a licensable activity if it is carried on—
  - (a) aboard an aircraft, hovercraft or railway vehicle engaged on a journey,
  - (b) aboard a vessel engaged on an international journey,
  - (c) at an approved wharf at a designated port or hoverport,
  - (d) at an examination station at a designated airport,
  - (e) at a royal palace,
  - (f) at premises which, at the time when the activity is carried on, are permanently or temporarily occupied for the purposes of the armed forces of the Crown,
  - (g) at premises in respect of which a certificate issued under section 174 (exemption for national security) has effect, or
  - (h) at such other place as may be prescribed.
- (2) For the purposes of subsection (1) the period during which an aircraft, hovercraft, railway vehicle or vessel is engaged on a journey includes—
  - (a) any period ending with its departure when preparations are being made for the journey, and
  - (b) any period after its arrival at its destination when it continues to be occupied by those (or any of those) who made the journey (or any part of it).
- (3) The Secretary of State may by order designate a port, hoverport or airport for the purposes of subsection (1), if it appears to him to be one at which there is a substantial amount of international passenger traffic.

*Changes to legislation: Licensing Act 2003, Cross Heading: Exemptions etc. is up to date with all changes known to be in force on or before 23 April 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) View outstanding changes*

- (4) Any port, airport or hoverport where section 86A or 87 of the Licensing Act 1964 (c. 26) is in operation immediately before the commencement of this section is, on and after that commencement, to be treated for the purposes of subsection (1) as if it were designated.
- (5) But provision may by order be made for subsection (4) to cease to have effect in relation to any port, airport or hoverport.
- (6) For the purposes of this section—
  - “approved wharf” has the meaning given by section 20A of the Customs and Excise Management Act 1979 (c. 2);
  - “designated” means designated by an order under subsection (3);
  - “examination station” has the meaning given by section 22A of that Act;
  - “international journey” means—
    - (a) a journey from a place in the United Kingdom to an immediate destination outside the United Kingdom, or
    - (b) a journey from a place outside the United Kingdom to an immediate destination in the United Kingdom; and
  - “railway vehicle” has the meaning given by section 83 of the Railways Act 1993 (c. 43).

#### Commencement Information

- II** S. 173(1)(h)(3)(5) in force at 16.12.2003 by [S.I. 2003/3222](#), [art. 2](#), [Sch.](#); s. 173(1)(a)-(g)(2)(4)(6) in force at 24.11.2005 by [S.I. 2005/3056](#), [art. 2\(2\)](#) (with [Sch.](#))

## 174 Certifying of premises on grounds of national security

- (1) A Minister of the Crown may issue a certificate under this section in respect of any premises, if he considers that it is appropriate to do so for the purposes of safeguarding national security.
- (2) A certificate under this section may identify the premises in question by means of a general description.
- (3) A document purporting to be a certificate under this section is to be received in evidence and treated as being a certificate under this section unless the contrary is proved.
- (4) A document which purports to be certified by or on behalf of a Minister of the Crown as a true copy of a certificate given by a Minister of the Crown under this section is evidence of that certificate.
- (5) A Minister of the Crown may cancel a certificate issued by him, or any other Minister of the Crown, under this section.
- (6) The powers conferred by this section on a Minister of the Crown may be exercised only by a Minister who is a member of the Cabinet or by the Attorney General.
- (7) In this section “Minister of the Crown” has the meaning given by the Ministers of the Crown Act 1975 (c. 26).

---

**Changes to legislation:** Licensing Act 2003, Cross Heading: Exemptions etc. is up to date with all changes known to be in force on or before 23 April 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) View outstanding changes

---

[<sup>F1</sup>**175 Exemption for incidental** <sup>F2</sup>**... lottery**

- (1) The promotion of a lottery to which this section applies shall not constitute a licensable activity by reason only of one or more of the prizes in the lottery consisting of or including alcohol, provided that the alcohol is in a sealed container.
- (2) This section applies to an incidental <sup>F3</sup>... lottery (within the meaning of Part 1 of Schedule 11 to the Gambling Act 2005).]

**Textual Amendments**

- F1** S. 175 substituted (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), ss. 356, 358, **Sch. 16 para. 20(2)** (with ss. 352, 354); [S.I. 2006/3272](#), **art. 2(4)**
- F2** Word in s. 175 heading omitted (6.4.2016) by virtue of [The Legislative Reform \(Exempt Lotteries\) Order 2016 \(S.I. 2016/124\)](#), arts. 1(1), **4(2)(a)**
- F3** Word in s. 175(2) omitted (6.4.2016) by virtue of [The Legislative Reform \(Exempt Lotteries\) Order 2016 \(S.I. 2016/124\)](#), arts. 1(1), **4(2)(b)**

**Changes to legislation:**

Licensing Act 2003, Cross Heading: Exemptions etc. is up to date with all changes known to be in force on or before 23 April 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5A inserted by [2015 c. 20 s. 67\(2\)](#)Sch. 17
- s. 2(1A) inserted by [2015 c. 20 s. 67\(1\)](#)
- s. 10(4)(e) and word inserted by [2011 c. 13 s. 121\(3\)\(b\)](#)
- s. 140(2)(e) inserted by [2015 c. 20 s. 67\(4\)\(b\)](#)
- s. 141(2)(e) inserted by [2015 c. 20 s. 67\(5\)\(b\)](#)
- s. 143(2)(e) inserted by [2015 c. 20 s. 67\(6\)\(b\)](#)
- s. 144(2)(e) inserted by [2015 c. 20 s. 67\(7\)\(b\)](#)
- s. 147A(4)(c) inserted by [2015 c. 20 s. 67\(8\)\(b\)](#)
- s. 153(4)(d) inserted by [2015 c. 20 s. 67\(9\)\(b\)](#)
- s. 197(3)(cza) inserted by [2015 c. 20 s. 67\(12\)\(a\)](#)
- s. 197A197B inserted by [2011 c. 13 s. 121\(2\)](#)