



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 9

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Supplementary and general*

#### **195 Crown application**

- (1) This Act binds the Crown and has effect in relation to land in which there is—
  - (a) an interest belonging to Her Majesty in right of the Crown,
  - (b) an interest belonging to a government department, or
  - (c) an interest held in trust for Her Majesty for the purposes of such a department.
- (2) This Act also applies to—
  - (a) land which is vested in, but not occupied by, Her Majesty in right of the Duchy of Lancaster, and
  - (b) land which is vested in, but not occupied by, the possessor for the time being of the Duchy of Cornwall.
- (3) No contravention by the Crown of any provision made by or under this Act makes the Crown criminally liable; but the High Court may declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (4) Provision made by or under this Act applies to persons in the public service of the Crown as it applies to other persons.
- (5) But nothing in this Act affects Her Majesty in Her private capacity.

#### **196 Removal of privileges and exemptions**

No privilege or exemption mentioned in section 199(a) or (b) of the Licensing Act 1964 (c. 26) (University of Cambridge and the Vintners of the City of London) operates to exempt any person from the requirements of this Act.

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*Status: This is the original version (as it was originally enacted).*

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## **197 Regulations and orders**

- (1) Any power of the Secretary of State to make regulations or an order under this Act is exercisable by statutory instrument.
- (2) Regulations or an order under this Act—
  - (a) may include incidental, supplementary, consequential or transitional provision or savings;
  - (b) may make provision generally or only in relation to specified cases;
  - (c) may make different provision for different purposes.
- (3) A statutory instrument containing regulations or an order under this Act, other than one containing—
  - (a) an order under section 5(2) (order appointing start of first period for which statement of licensing policy to be prepared),
  - (b) an order under section 100(8) (alteration of maximum temporary event period),
  - (c) an order under section 107(12) (alteration of limit on number of temporary event notices),
  - (d) an order under section 172 (relaxation of opening hours for special occasions),
  - (e) an order under section 176(3) (order amending definition of “excluded premises” where alcohol sales are prohibited),
  - (f) an order under section 201 (commencement), or
  - (g) an order under paragraph 4 of Schedule 1 (power to amend meaning of regulated entertainment),

is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) A statutory instrument containing an order within subsection (3)(b), (c), (d), (e) or (g) is not to be made unless a draft of the instrument containing the order has been laid before and approved by a resolution of each House of Parliament.
- (5) If a draft of an order within subsection (3)(d) would, apart from this subsection, be treated for the purposes of the Standing Orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not such an instrument.

## **198 Minor and consequential amendments**

- (1) Schedule 6 (which makes minor and consequential amendments) has effect.
- (2) The Secretary of State may, in consequence of any provision of this Act or of any instrument made under it, by order make such amendments (including repeals or revocations) as appear to him to be appropriate in—
  - (a) any Act passed, or
  - (b) any subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30) made,

before that provision comes into force.

## **199 Repeals**

The enactments mentioned in Schedule 7 (which include provisions that are spent) are repealed to the extent specified.

**200 Transitional provision etc.**

Schedule 8 (which makes transitional and transitory provision and savings) has effect.

**201 Short title, commencement and extent**

- (1) This Act may be cited as the Licensing Act 2003.
- (2) The preceding provisions (and the Schedules) come into force in accordance with provision made by order.
- (3) Subject to subsections (4) and (5), this Act extends to England and Wales only.
- (4) Section 155(1) also extends to Northern Ireland.
- (5) An amendment or repeal contained in Schedule 6 or 7 has the same extent as the enactment to which it relates.