

*Status: Point in time view as at 01/10/2012.*

*Changes to legislation: Licensing Act 2003, Part 2 is up to date with all changes known to be in force on or before 29 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)*

## SCHEDULES

### SCHEDULE 1

#### PROVISION OF REGULATED ENTERTAINMENT

#### PART 2

#### EXEMPTIONS

*Film exhibitions for the purposes of advertisement, information, education, etc.*

- 5 The provision of entertainment consisting of the exhibition of a film is not to be regarded as the provision of regulated entertainment for the purposes of this Act if its sole or main purpose is to—
- (a) demonstrate any product,
  - (b) advertise any goods or services, or
  - (c) provide information, education or instruction.

*Film exhibitions: museums and art galleries*

- 6 The provision of entertainment consisting of the exhibition of a film is not to be regarded as the provision of regulated entertainment for the purposes of this Act if it consists of or forms part of an exhibit put on show for any purposes of a museum or art gallery.

*Music incidental to certain other activities*

- [<sup>F17</sup> The provision of entertainment consisting of the performance of live music or the playing of recorded music is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it is incidental to some other activity which is not itself a description of entertainment falling within paragraph 2.]

#### Textual Amendments

- F1** Sch. 1 para. 7 substituted (1.10.2012) by [Live Music Act 2012 \(c. 2\)](#), **ss. 2(9), 4(2)**; S.I. 2012/2115, art. 2

*Use of television or radio receivers*

- 8 The provision of any entertainment <sup>F2</sup>... is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it consists of the simultaneous reception and playing of a programme included in a programme service within the meaning of the Broadcasting Act 1990 (c. 42).

*Status: Point in time view as at 01/10/2012.*

*Changes to legislation: Licensing Act 2003, Part 2 is up to date with all changes known to be in force on or before 29 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)*

**Textual Amendments**

**F2** Words in Sch. 1 para. 8 omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\)](#), **ss. 2(10), 4(2)**; [S.I. 2012/2115, art. 2](#)

*Religious services, places of worship etc.*

- 9 The provision of any entertainment <sup>F3</sup>...—
  - (a) for the purposes of, or for purposes incidental to, a religious meeting or service, or
  - (b) at a place of public religious worship,
 is not to be regarded as the provision of regulated entertainment for the purposes of this Act.

**Textual Amendments**

**F3** Words in Sch. 1 para. 9 omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\)](#), **ss. 2(11), 4(2)**; [S.I. 2012/2115, art. 2](#)

*Garden fêtes, etc.*

- 10 (1) The provision of any entertainment <sup>F4</sup>... at a garden fête, or at a function or event of a similar character, is not to be regarded as the provision of regulated entertainment for the purposes of this Act.
- (2) But sub-paragraph (1) does not apply if the fête, function or event is promoted with a view to applying the whole or part of its proceeds for purposes of private gain.
- (3) In sub-paragraph (2) “private gain”, in relation to the proceeds of a fête, function or event, is to be construed in accordance with [<sup>F5</sup>section 19(3) of the Gambling Act 2005].

**Textual Amendments**

**F4** Words in Sch. 1 para. 10(1) omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\)](#), **ss. 2(12), 4(2)**; [S.I. 2012/2115, art. 2](#)

**F5** Words in Sch. 1 para. 10(3) substituted (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), **ss. 356, 358, Sch. 16 para. 20(3)** (with **ss. 352, 354, Sch. 16 para. 21**); [S.I. 2006/3272, art. 2\(4\)](#)

*Morris dancing etc.*

- 11 The provision of any entertainment <sup>F6</sup>... is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it consists of the provision of—
  - (a) a performance of morris dancing or any dancing of a similar nature or [<sup>F7</sup>the playing of live or recorded music that forms] an integral part of such a performance , or
  - <sup>F8</sup>(b) .....

*Status: Point in time view as at 01/10/2012.*

*Changes to legislation: Licensing Act 2003, Part 2 is up to date with all changes known to be in force on or before 29 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)*

#### Textual Amendments

- F6** Words in Sch. 1 para. 11 omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\)](#), [ss. 2\(13\)\(a\)](#), 4(2); [S.I. 2012/2115, art. 2](#)
- F7** Words in Sch. 1 para. 11(a) substituted (1.10.2012) by [Live Music Act 2012 \(c. 2\)](#), [ss. 3\(2\)](#), 4(2); [S.I. 2012/2115, art. 2](#)
- F8** Sch. 1 para. 11(b) omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\)](#), [ss. 2\(13\)\(b\)](#), 4(2); [S.I. 2012/2115, art. 2](#)

#### <sup>F9</sup>*Sexual entertainment venues*

#### Textual Amendments

- F9** Sch. 1 para. 11A inserted (6.4.2010 for E. and 8.5.2010 for W.) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 112, 116, Sch. 7 para. 23](#); [S.I. 2010/722, art. 3](#) (with arts. 4-12); [S.I. 2010/999, art. 3](#); [S.I. 2010/1375, art. 3](#) (with transitional provisions and savings in [S.I. 2010/1395, arts. 3, 10](#))

- 11A (1) The provision of relevant entertainment—
- (a) at premises for which a licence for a sexual entertainment venue is required (or the requirement has been waived) by virtue of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, and
  - (b) of a kind, and in a way, by virtue of which the premises qualify as such a venue,

is not to be regarded as the provision of regulated entertainment for the purposes of this Act.

- (2) The provision of relevant entertainment—
- (a) at premises which are subject to a licence for a sexual entertainment venue but are not such a venue merely because of the operation of paragraph 2A(3) (b) of Schedule 3 to the Act of 1982, and
  - (b) of a kind, and in a way, by virtue of which the premises would qualify as such a venue but for the operation of that paragraph,

is not to be regarded as the provision of regulated entertainment for the purposes of this Act.

- (3) The provision of entertainment consisting of the performance of live music or the playing of recorded music is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it is an integral part of such provision of relevant entertainment as falls within sub-paragraph (1) or (2).

<sup>F10</sup>(4) .....

- (5) In this paragraph—

“premises” has the meaning given by paragraph 2A(14) of Schedule 3 to the Act of 1982;

“relevant entertainment” has the meaning given by paragraph 2A(2) of that Schedule to that Act;

“sexual entertainment venue” has the meaning given by paragraph 2A(1) of that Schedule to that Act.]

*Status: Point in time view as at 01/10/2012.*

*Changes to legislation: Licensing Act 2003, Part 2 is up to date with all changes known to be in force on or before 29 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)*

**Textual Amendments**

**F10** Sch. 1 para. 11A(4) omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\)](#), **ss. 2(14)**, 4(2); [S.I. 2012/2115](#), art. 2

*Vehicles in motion*

- 12 The provision of any entertainment <sup>F11</sup>...—
- (a) on premises consisting of or forming part of a vehicle, and
  - (b) at a time when the vehicle is not permanently or temporarily parked,
- is not to be regarded as the provision of regulated entertainment for the purposes of this Act.

**Textual Amendments**

**F11** Words in Sch. 1 para. 12 omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\)](#), **ss. 2(15)**, 4(2); [S.I. 2012/2115](#), art. 2

*[<sup>F12</sup>Live music in licensed venues*

**Textual Amendments**

**F12** Sch. 1 para. 12A and cross-heading inserted (1.10.2012) by [Live Music Act 2012 \(c. 2\)](#), **ss. 3(3)**, 4(2); [S.I. 2012/2115](#), art. 2

- 12A The provision of entertainment consisting of a performance of live music is not to be regarded as the provision of regulated entertainment for the purposes of this Act on premises authorised to be used for the supply of alcohol for consumption on the premises by a premises licence or club premises certificate, if—
- (a) the requirements of section 177A(1)(a) to (c) are satisfied, and
  - (b) conditions have not been included in the licence or certificate by virtue of section 177A(3) or (4).]

*[<sup>F13</sup>Live music in workplaces*

**Textual Amendments**

**F13** Sch. 1 para. 12B and cross-heading inserted (1.10.2012) by [Live Music Act 2012 \(c. 2\)](#), **ss. 3(4)**, 4(2); [S.I. 2012/2115](#), art. 2

- 12B The provision of entertainment consisting of a performance of live music is not to be regarded as the provision of regulated entertainment for the purposes of this Act, provided that—
- (a) the place where the performance is provided is not licensed under this Act (or is so licensed only for the provision of late night refreshment) but is a workplace as defined in regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations 1992,

*Status: Point in time view as at 01/10/2012.*

**Changes to legislation:** Licensing Act 2003, Part 2 is up to date with all changes known to be in force on or before 29 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)

- (b) the performance takes place in the presence of an audience of no more than 200 persons, and
- (c) the performance takes place between 8am and 11pm on the same day.]

*[<sup>F14</sup>Live unamplified music*

**Textual Amendments**

**F14** Sch. 1 para. 12C and cross-heading inserted (1.10.2012) by [Live Music Act 2012 \(c. 2\)](#), **ss. 3(5), 4(2)**; [S.I. 2012/2115](#), **art. 2**

- 12C The provision of entertainment consisting of a performance of live music is not (subject to section 177A(3) and (4)) to be regarded as the provision of regulated entertainment for the purposes of this Act provided that the music—
- (a) is unamplified; and
  - (b) takes place between 8am and 11pm on the same day.]

**Status:**

Point in time view as at 01/10/2012.

**Changes to legislation:**

Licensing Act 2003, Part 2 is up to date with all changes known to be in force on or before 29 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.