

2003 No. 3222 (C. 127)

LICENCES AND LICENSING

Licensing Act 2003 (Commencement No. 3) Order 2003

Made - - - - *15th December 2003*

The Secretary of State, in exercise of the powers conferred upon her by section 201(2) of the Licensing Act 2003 (a), hereby makes the following Order:

Citation

1. This Order may be cited as the Licensing Act 2003 (Commencement No. 3) Order 2003.

Commencement

2. The provisions of the Licensing Act 2003 specified in the Schedule to this Order, to the extent specified in the Schedule, shall come into force on the day after the day on which it is made.

Richard Caborn
Minister of State
Department for Culture, Media and Sport

15th December 2003

(a) 2003 c. 17. For the definition of “order” see section 193 of the Act.

SCHEDULE

Article 2

PROVISION AND EXTENT	SUBJECT MATTER
Section 1	Licensable activities and qualifying club activities
Section 3	Licensing authorities
Section 4	General duties of licensing authorities, licensing objectives, statement of licensing policy and guidance
Section 5	Statement of licensing policy
Section 8	Requirement of licensing authority to keep a register
Section 9(2)	Delegated powers in relation to proceedings of licensing committees
Section 13(2)(f) and (4)(i)	Delegated powers in relation to authorised persons and responsible authorities
Section 16(1)(i)	Delegated powers in relation to an applicant for a premises licence
Section 17(3)(b), (c), (4) and (5)	Delegated powers in relation to an application for a premises licence
Section 24	Form of premises licence and summary
Section 29(6)	Delegated powers in relation to an application for a provisional statement
Section 30	Advertisement of an application for a provisional statement
Section 31(6)(a)	Delegated powers in relation to the determination of an application for a provisional statement
Section 34(5)	Delegated powers in relation to an application to vary a premises licence
Section 37(3)(a)	Delegated powers in relation to an application to vary a premises licence to specify an individual as a premises supervisor
Section 47(2)(a)	Delegated powers in relation to an interim authority notice following death etc. of licence holder
Section 51(3)	Delegated powers in relation to an application for the review of a premises licence
Section 54	Form etc. of applications and notices under Part 3
Section 55	Fees
Section 58(1)(c)	Delegated powers in relation to certified copies of documents referred to in section 57

PROVISION AND EXTENT	SUBJECT MATTER
Section 69(2)(f) and (4)(i)	Delegated powers in relation to authorised persons and responsible authorities
Section 71(4)(b), (5) and (6)	Delegated powers in relation to an application for a club premises certificate
Section 78	Form of certificate and summary
Section 84(4)	Delegated powers in relation to an application to vary a club premises certificate
Section 87(3)	Delegated powers in relation to an application for the review of a club premises certificate
Section 91	Form etc. of applications and notices under Part 4
Section 92	Fees
Section 95(1)(c)	Delegated powers in relation to certified copies of documents referred to in section 94
Section 100(4), (5)(f), (7)(b) and (8)	Delegated powers in relation to temporary event notices
Section 102(2)	Delegated powers in relation to acknowledgement of temporary event notice
Section 107(7) and (12)	Delegated powers in relation to a counter notice where permitted limits are exceeded
Section 110(3)	Delegated powers in relation to the theft, loss etc. of a temporary event notice
Section 113(2)	Delegated powers in relation to the meaning of “relevant offence” and “foreign offence”
Section 120(2)(b)	Delegated powers in relation to the determination of an application for the grant of a personal licence
Section 125(4)	Delegated powers in relation to the form of a personal licence
Section 133	Form of applications and notices under Part 6
Section 167(4)	Delegated powers in relation to the review of a premises licence following a closure order
Section 173(1)(h), (3) and (5)	Delegated powers in relation to activities in certain locations not licensable
Section 176(3)	Delegated powers in relation to the prohibition of alcohol sales at service areas, garages etc.
Section 178(1)(b) and (4)(d)	Delegated powers in relation to the right of freeholder etc. to be notified of licensing matters
Section 182	Guidance
Section 183(1)	Delegated powers in relation to hearings
Section 187(7)	Delegated powers in relation to offences by bodies corporate etc.

PROVISION AND EXTENT	SUBJECT MATTER
Section 191	Meaning of “alcohol”
Section 192	Meaning of “sale by retail”
Section 193	Other definitions
Section 194	Index of defined expressions
Section 197	Regulations and orders
Section 198(2)	Delegated powers in relation to minor and consequential amendments
Section 200 in so far as it relates to the provisions of Schedule 8 specified below	Transitional provision etc.
Schedule 1	Provision of regulated entertainment
Schedule 2	Provision of late night refreshment
Schedule 3	Matters to be entered in licensing register
Schedule 8 paragraph 1(1) in so far as it relates to the definition of “first appointed day” and “second appointed day”, paragraphs 2(4)(b), (c), (6)(b), (d), (e), (f) and (7)(d), 6(8), 11(1)(a), 12(1)(a), 13(1) (in so far as it relates to the meaning of “first appointed day” and “second appointed day”), 14(3), (4), (5) and (6)(c), 18(5), 23(2), (3)(b) and (4)(c).	Delegated powers in relation to transitional provision
Schedule 8 paragraph 29	Transitional provision in relation to consultation on licensing policy

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the third Commencement Order made by the Secretary of State under the Licensing Act 2003 (“the Act”). The Order brings into force those provisions of the Act listed in the Schedule to the Order, to the extent specified. The provisions fall into the following four broad categories:

- (a) a provision setting the scope of the new licensing regime under the Act (section 1);
- (b) provisions providing the general framework of, and apparatus for, the new regime, some of which are necessary to allow the licensing authorities to start preparing for the exercise of their regulatory functions (sections 3, 4, 5, 8 and 182 and Schedules 1, 2 and 3). These provisions relate to matters which include the general duties of licensing authorities (section 4(1)); the licensing objectives (section 4(2)); the duty of licensing authorities to determine and to publish a statement of its licensing policy (section 5); and the duty of the Secretary of State to issue guidance to licensing authorities on the discharge of their functions under the Act (section 182);
- (c) provisions containing the power for the Secretary of State to make regulations or an order under the Act (sections 9(2), 13(2)(f) and (4)(i), 16(1)(i), 17(3)(b), (c), (4) and (5), 24, 29(6), 30, 31(6)(a), 34(5), 37(3)(a), 47(2)(a), 51(3), 54, 55, 58(1)(c), 69(2)(f) and (4)(i), 71(4)(b), (5) and (6), 78, 84(4), 87(3), 91, 92, 95(1)(c), 100(4), (5)(f), (7)(b) and (8), 102(2), 107(7) and (12), 110(3), 113(2)(120(2)(b), 125(4), 133, 167(4), 173(1)(h), (3) and (5), 176(3), 178(1)(b) and (4)(d), 183(1), 187(7), 197 and 198(2)). The regulation and order-making powers relate to matters which include the proceedings of licensing committees (section 9(2)); the advertising of applications (sections 17(5), 30, 51(3)(b), 71(6)(a) and 84(4)); fees to accompany applications (sections 55, 92 and 133); and the form of applications (sections 54, 91 and 133); and
- (d) provisions defining certain key terms under the Act (sections 191, 192, 193 and 194). These sections define terms that include “alcohol” (section 191) and “sale by retail” (section 192).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 199 of and Schedule 7 to the Act, so far as it relates to section 66 (Sunday closing in Wales and Monmouthshire) and section 67 (supplementary provisions for Welsh Sunday polls) of and Schedule 8 (polls in Wales and Monmouthshire) to the Licensing Act 1964	16.07.03	2003/1911
Section 155 and section 199 in so far as it relates to the entries in Schedule 7 relating to the Confiscation of Alcohol (Young Persons) Act 1997 and section 12 of the Criminal Justice and Police Act 2001	10.09.03	2003/2100

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