
STATUTORY INSTRUMENTS

2007 No. 724

**LICENCES AND LICENSING
RATING AND VALUATION, ENGLAND**

The Licensing Act 2003 (Consequential Amendment)(Non-Domestic Rating)(Public Houses in England) Order 2007

<i>Made</i>	- - - -	<i>7th March 2007</i>
<i>Laid before Parliament</i>		<i>8th March 2007</i>
<i>Coming into force</i>	- -	<i>31st March 2007</i>

It appears to the Secretary of State that it is appropriate to make the amendments set out in this Order. Accordingly, the Secretary of State makes the following Order in exercise of the powers conferred by sections 197(2) and 198(2) of the Licensing Act 2003(1):

Citation and commencement

1. This Order may be cited as the Licensing Act 2003 (Consequential Amendment)(Non-Domestic Rating)(Public Houses in England) Order 2007 and comes into force on 31st March 2007.

Interpretation

2. In this Order, “the 2001 Order” means the Non-Domestic Rating (Public Houses and Petrol Filling Stations)(England) Order 2001(2).

Amendment

3. In article 1(2) of the 2001 Order—

- (a) before the definition of “petrol filling station”, insert-
““alcohol” has the meaning given by section 191 of the Licensing Act 2003 (“the 2003 Act”);”;
- (b) in the definition of “premises” for “Licensing Act 2003” substitute “the 2003 Act”;
- (c) for the definition of “public house” substitute-
““public house” means premises that satisfy the following conditions:

(1) 2003 c. 17.
(2) S.I. 2001/1345. The Order was amended by article 3 of SI 2006/591.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) a premises licence authorising the sale by retail of alcohol for consumption on the premises has effect;
 - (b) the premises are used principally for such sales to members of the public for consumption on the premises; and
 - (c) the sales are not made subject to the condition that buyers reside at or consume food on the premises.”;
- (d) omit the definition of “relevant premises licence”.

7th March 2007

Shaun Woodward
Parliamentary Under Secretary of State
Department for Culture, Media and Sport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order modifies the consequential amendments to the Non-Domestic Rating (Public Houses and Petrol Filling Stations)(England) Order 2001 (S.I. 2001/1345) (“the 2001 Order”) made by the Licensing Act 2003 (Consequential Amendment)(Non-Domestic Rating)(Public Houses in England) Order 2006 (S.I. 2006/591) (“the 2006 Order”). The original consequential amendments were made to take account of the commencement of the Licensing Act 2003 (“the 2003 Act”).

Article 2 of the 2001 Order prescribes conditions that public houses and petrol filling stations must meet in order to qualify for the relief from non-domestic rates afforded by section 43(6A) and (6B) of the Local Government Finance Act 1988 (c. 41). Qualifying premises are entitled to have their rate liability determined by reference to a formula different to the one set out in subsection (4) of section 43, provided they satisfy the prescribed conditions.

The 2001 Order originally defined a “public house” by reference to the Licensing Act 1964, which Act was repealed by the 2003 Act. The 2006 Order modified this, and related definitions, to remove references to the 1964 Act. This Order substitutes a new definition of “public house” and revokes the definition of “relevant public house” inserted by the 2006 Order in order to ensure that the provisions will continue to reflect the manner in which the 2003 Act operates in practice. The new provisions will have effect for financial years beginning on or after 1st April 2007.

In summary, the new definition of “public house” will include any premises as defined in the 2003 Act which has a premises licence authorising the sale by retail of alcohol for consumption on the premises. In addition, the premises must be used principally for retail sales of alcohol to members of the public for consumption on the premises, and the sales must not be subject to the condition that buyers reside at or consume food on the premises.