

Annex A

Extract from the Licensing Act 2003: Regulated Entertainment

SCHEDULE 1

Section 1

PROVISION OF REGULATED ENTERTAINMENT

PART 1

GENERAL DEFINITIONS

The provision of regulated entertainment

- 1 (1) For the purposes of this Act the “provision of regulated entertainment” means the provision of —
 - (a) entertainment of a description falling within paragraph 2, or
 - (b) entertainment facilities falling within paragraph 3,where the conditions in sub-paragraphs (2) and (3) are satisfied.
- (2) The first condition is that the entertainment is, or entertainment facilities are, provided —
 - (a) to any extent for members of the public or a section of the public,
 - (b) exclusively for members of a club which is a qualifying club in relation to the provision of regulated entertainment, or for members of such a club and their guests, or
 - (c) in any case not falling within paragraph (a) or (b), for consideration and with a view to profit.
- (3) The second condition is that the premises on which the entertainment is, or entertainment facilities are, provided are made available for the purpose, or for purposes which include the purpose, of enabling the entertainment concerned (whether of a description falling within paragraph 2(1) or paragraph 3(2)) to take place.

To the extent that the provision of entertainment facilities consists of making premises available, the premises are to be regarded for the purposes of this sub-paragraph as premises “on which” entertainment facilities are provided.
- (4) For the purposes of sub-paragraph (2)(c), entertainment is, or entertainment facilities are, to be regarded as provided for consideration only if any charge —
 - (a) is made by or on behalf of —
 - (i) any person concerned in the organisation or management of that entertainment, or
 - (ii) any person concerned in the organisation or management of those facilities who is also concerned in the organisation or management of the entertainment within paragraph 3(2) in which those facilities enable persons to take part, and
 - (b) is paid by or on behalf of some or all of the persons for whom that entertainment is, or those facilities are, provided.
- (5) In sub-paragraph (4), “charge” includes any charge for the provision of goods or services.

- (6) For the purposes of sub-paragraph (4)(a), where the entertainment consists of the performance of live music or the playing of recorded music, a person performing or playing the music is not concerned in the organisation or management of the entertainment by reason only that he does one or more of the following —
- (a) chooses the music to be performed or played,
 - (b) determines the manner in which he performs or plays it,
 - (c) provides any facilities for the purposes of his performance or playing of the music.
- (7) This paragraph is subject to Part 2 of this Schedule (exemptions).

Entertainment

- 2 (1) The descriptions of entertainment are —
- (a) a performance of a play,
 - (b) an exhibition of a film,
 - (c) an indoor sporting event,
 - (d) a boxing or wrestling entertainment,
 - (e) a performance of live music,
 - (f) any playing of recorded music,
 - (g) a performance of dance,
 - (h) entertainment of a similar description to that falling within paragraph (e), (f) or (g),
- where the entertainment takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience.
- (2) Any reference in sub-paragraph (1) to an audience includes a reference to spectators.
- (3) This paragraph is subject to Part 3 of this Schedule (interpretation).

Entertainment facilities

- 3 (1) In this Schedule, “entertainment facilities” means facilities for enabling persons to take part in entertainment of a description falling within sub-paragraph (2) for the purpose, or for purposes which include the purpose, of being entertained.
- (2) The descriptions of entertainment are —
- (a) making music,
 - (b) dancing,
 - (c) entertainment of a similar description to that falling within paragraph (a) or (b).
- (3) This paragraph is subject to Part 3 of this Schedule (interpretation).

Power to amend Schedule

- 4 The Secretary of State may by order amend this Schedule for the purpose of modifying —
- (a) the descriptions of entertainment specified in paragraph 2, or
 - (b) the descriptions of entertainment specified in paragraph 3,
- and for this purpose “modify” includes adding, varying or removing any description.

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

- 7 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) a description of entertainment falling within paragraph 2, or
 - (b) the provision of entertainment facilities.

Use of television or radio receivers

- 8 The provision of any entertainment or entertainment facilities 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).

Religious services, places of worship etc.

- 9 The provision of any entertainment or entertainment facilities —
- (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.

Garden fêtes, etc.

- 10 (1) The provision of any entertainment or entertainment facilities 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 section 22 of the Lotteries and Amusements Act 1976 (c. 32).

Morris dancing etc.

- 11 The provision of any entertainment or entertainment facilities 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 a performance of unamplified, live music as an integral part of such a performance, or
 - (b) facilities for enabling persons to take part in entertainment of a description falling within paragraph (a).

Vehicles in motion

- 12 The provision of any entertainment or entertainment facilities —
- (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.

PART 3

INTERPRETATION

General

- 13 This Part has effect for the purposes of this Schedule.

Plays

- 14 (1) A “performance of a play” means a performance of any dramatic piece, whether involving improvisation or not, —
- (a) which is given wholly or in part by one or more persons actually present and performing, and
 - (b) in which the whole or a major proportion of what is done by the person or persons performing, whether by way of speech, singing or action, involves the playing of a role.
- (2) In this paragraph, “performance” includes rehearsal (and “performing” is to be construed accordingly).

Film exhibitions

- 15 An “exhibition of a film” means any exhibition of moving pictures.

Indoor sporting events

- 16 (1) An “indoor sporting event” is a sporting event —
- (a) which takes place wholly inside a building, and
 - (b) at which the spectators present at the event are accommodated wholly inside that building.
- (2) In this paragraph —
- “building” means any roofed structure (other than a structure with a roof which may be opened or closed) and includes a vehicle, vessel or moveable structure,
- “sporting event” means any contest, exhibition or display of any sport, and
- “sport” includes —

- (a) any game in which physical skill is the predominant factor, and
- (b) any form of physical recreation which is also engaged in for purposes of competition or display.

Boxing or wrestling entertainments

- 17 A “boxing or wrestling entertainment” is any contest, exhibition or display of boxing or wrestling.

Music

- 18 “Music” includes vocal or instrumental music or any combination of the two.