

2005 No. 3048

LICENCES AND LICENSING

**The Licensing Act 2003 (Consequential Amendments) Order
2005**

<i>Made</i> - - - -	<i>1st November 2005</i>
<i>Laid before Parliament</i>	<i>2nd November 2005</i>
<i>Coming into force</i> - -	<i>24th November 2005</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 section 198(2) of the Licensing Act 2003(a):

Citation and commencement

1. This Order may be cited as the Licensing Act 2003 (Consequential Amendments) Order 2005 and comes into force on 24th November 2005.

Criminal Justice and Police Act 2001

2. In the Table in section 1(1) of the Criminal Justice and Police Act 2001(b) the entries relating to the Licensing Act 1964 are omitted and the following entries inserted in the appropriate place—

“Section 141 of the Licensing Act 2003 (c.17)	Sale of alcohol to a person who is drunk”;
“Section 146(1) and (3) of the Licensing Act 2003 (c.17)	Sale of alcohol to children”;
“Section 149 of the Licensing Act 2003 (c.17)	Purchase of alcohol by or on behalf of children”;
“Section 150 of the Licensing Act 2003 (c.17)	Consumption of alcohol by children or allowing such consumption”;
“Section 151 of the Licensing Act 2003 (c.17)	Delivering alcohol to children or allowing such delivery”.

(a) 2003 c. 17.

(b) 2001 c.16; amended by S.I. 2004/2540 and S.I.2005/1090; there are other amending instruments which are not relevant.

Revocations and amendments of subordinate legislation

3.—(1) The enactments specified in the left hand column of Part 1 of the Schedule are revoked to the extent specified in the right hand column.

(2) The enactments specified in Part 2 of the Schedule are amended as there set out.

1st November 2005

James Purnell
Parliamentary Under Secretary of State
Department for Culture, Media and Sport

SCHEDULE

Article 3

PART 1

Regulations and Orders revoked

<i>Title and number</i>	<i>Extent of revocation</i>
Licensing Act 1964 (Amendment) Regulations 1979(a)	The whole Regulations
Deregulation (Employment in Bars) Order 1997(b)	The whole Order
Deregulation (Licence Transfers) Order 1998(c)	The whole Order
Deregulation (Millennium Licensing) Order 1999(d)	The whole Order
Regulatory Reform (Special Occasions Licensing) Order 2001(e)	The whole Order
Deregulation (Sunday Licensing) Order 2001(f)	The whole Order
Regulatory Reform (Special Occasions Licensing) Order 2002(g)	The whole Order
Regulatory Reform (Golden Jubilee Licensing) Order 2002(h)	The whole Order
Deregulation (Restaurant Licensing Hours) Order 2002(i)	The whole Order

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- (a) S.I. 1979/1476.
(b) S.I. 1997/957.
(c) S.I. 1998/114.
(d) S.I. 1999/2137.
(e) S.I. 2001/3937.
(f) S.I. 2001/920.
(g) S.I. 2002/3205.
(h) S.I. 2002/1062.
(i) S.I. 2002/493.

PART 2

Regulations and Orders amended

1. In Schedule 6 to the Visiting Forces and International Headquarters (Application of Law) Order 1999(a) the entry relating to the Licensing Act 1964 is omitted and after the entry relating to the Food Safety Act 1990(b) there is inserted–

“The Licensing Act 2003 (c.17)	In section 173(1)(f) the reference to the armed forces of the Crown shall include a reference to members of a visiting force or military members of a headquarters”.
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2. In the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001(c) in regulation 2 the definition of “licensed premises” is omitted and for regulation 3(1)(d) there is substituted–

“(d) the premises licence holder, the club premises certificate holder or the premises user, as appropriate, in relation to premises in that place which they consider may be affected by the designation and which are premises in respect of which–

(i) a premises licence granted under Part 3 of the Licensing Act 2003 (“the 2003 Act”) has effect,

(ii) a club premises certificate granted under Part 4 of the 2003 Act has effect, or

(iii) a temporary event notice has been given so that the premises may be used for a permitted temporary activity by virtue of Part 5 of the 2003 Act.”.

3. (a) In Part 1 of the Schedule to the Penalties for Disorderly Behaviour (Amount of Penalty) Order 2002(d) the entries relating to the Licensing Act 1964 are omitted and the following entries inserted after the entry relating to the Fireworks Act 2003 (c. 22)–

“Section 141 of the Licensing Act 2003 (c.17)	Sale of alcohol to a person who is drunk
Section 146(1) and (3) of the Licensing Act 2003 (c.17)	Sale of alcohol to children
Section 149(3) and (4) of the Licensing Act 2003 (c.17)	Purchase of alcohol on behalf of children
Section 151 of the Licensing Act 2003 (c.17)	Delivery of alcohol to children or allowing such delivery”.

(b) In Part II of the Schedule to that Order the entry relating to the Licensing Act 1964 is omitted and there is inserted at the end–

“Section 149(1) of the Licensing Act 2003 (c.17)	Purchase of alcohol by children
Section 150 of the Licensing Act 2003 (c.17)	Consumption of alcohol by children or allowing such consumption”.

(a) S.I. 1999/1736.

(b) 1990 c.16.

(c) S.I. 2001/2831.

(d) S.I. 2002/1837, to which there are amendments not relevant to this Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes consequential amendments in connection with the commencement of provisions of the Licensing Act 2003 (“the 2003 Act”).

Article 2 amends the Table in section 1(1) of the Criminal Justice and Police Act 2001. The Table lists offences leading to penalties on the spot and includes offences created by provisions of the Licensing Act 1964 (“the 1964 Act”). The effect of the amendments is to replace the references to the sections of the Licensing Act 1964 which are repealed by the 2003 Act by references to the provisions of the 2003 Act which create equivalent offences.

Article 3 and Part 1 of the Schedule revoke certain regulations and orders. These include deregulation and regulatory reform orders and the Licensing Act 1964 (Amendment) Regulations 1979, made under the European Communities Act 1972, which have become redundant following the repeal of the 1964 Act.

Article 3 and Part 2 of the Schedule amend certain regulations and orders.

Schedule 6 to the Visiting Forces and International Headquarters (Application of Law) Order 1999 modifies enactments to confer on visiting forces and headquarters and their members, employees and property the same exemptions, privileges and immunities as they would enjoy if the visiting force or headquarters formed a part of the home forces. The amendment made by this Order substitutes for the modification of the definition of “canteen” and “mess” in section 201(1) of the 1964 Act a modification of section 173(1)(f) of the 2003 Act to include a reference to members of a visiting force or military member of a headquarters. The effect is that an activity is not licensable under the 2003 Act if it is carried on a premises occupied for the purposes of such members.

Article 2 of the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001, which defines “licensed premises” as having the same meaning as in the 2003 Act is amended by the omission of that definition. Article 3(1) of the Regulations, which lists those whom a local authority must consult before making an order, is amended by substituting at (d) for the licensee of any licensed premises, the holder of the premises licence granted under the 2003 Act, a club with a club premises certificate under that Act or the premises user in relation to a permitted temporary activity.

The Schedule to the Penalties for Disorderly Behaviour (Amount of Penalty) Order 2002, which sets out the offences in respect of which the Order specifies the amount of the penalty, is amended by substituting for offences under the 1964 Act the corresponding offences under the 2003 Act.