



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 5

#### PERMITTED TEMPORARY ACTIVITIES

*Rights of entry, production of notice, etc.*

#### **108 Right of entry where temporary event notice given**

- (1) A constable or an authorised officer may, at any reasonable time, enter the premises to which a temporary event notice relates to assess the likely effect of the notice on the promotion of the crime prevention objective.
- (2) An authorised officer exercising the power conferred by this section must, if so requested, produce evidence of his authority to exercise the power.
- (3) A person commits an offence if he intentionally obstructs an authorised officer exercising a power conferred by this section.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (5) In this section “authorised officer” means—
  - (a) an officer of the licensing authority in whose area the premises are situated, or
  - (b) if the premises are situated in the area of more than one licensing authority, an officer of any of those authorities,authorised for the purposes of this Act.

#### **109 Duty to keep and produce temporary event notice <sup>F1</sup>and statement of conditions]**

- (1) This section applies whenever premises are being used for one or more licensable activities which are or are purported to be permitted temporary activities by virtue of this Part.

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*Changes to legislation: Licensing Act 2003, Cross Heading: Rights of entry, production of notice, etc. is up to date with all changes known to be in force on or before 09 May 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) View outstanding changes*

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- (2) The premises user must either—
- (a) secure that a copy of the temporary event notice <sup>F2</sup>, together with a copy of any statement of conditions given under section 106A(3) in respect of the notice] is prominently displayed at the premises, or
  - (b) meet the requirements of subsection (3).
- (3) The requirements of this subsection are that the premises user must—
- (a) secure that the temporary event notice <sup>F3</sup>, together with a copy of any statement of conditions given under section 106A(3) in respect of the notice] is kept at the premises in—
    - (i) his custody, or
    - (ii) in the custody of a person who is present and working at the premises and whom he has nominated for the purposes of this section, and
  - (b) where the temporary event <sup>F4</sup>notice and any statement of conditions are] in the custody of a person so nominated, secure that a notice specifying that fact and the position held at the premises by that person is prominently displayed at the premises.
- (4) The premises user commits an offence if he fails, without reasonable excuse, to comply with subsection (2).
- (5) Where—
- (a) the temporary event notice <sup>F5</sup>or any statement of conditions] is not displayed as mentioned in subsection (2)(a), and
  - (b) no notice is displayed as mentioned in subsection (3)(b),
- a constable or authorised officer may require the premises user to produce the temporary event notice <sup>F6</sup>or statement of conditions] for examination.
- (6) Where a notice is displayed as mentioned in subsection (3)(b), a constable or authorised officer may require the person specified in that notice to produce the temporary event notice <sup>F7</sup>or statement of conditions] for examination.
- (7) An authorised officer exercising the power conferred by subsection (5) or (6) must, if so requested, produce evidence of his authority to exercise the power.
- (8) A person commits an offence if he fails, without reasonable excuse, to produce a temporary event notice <sup>F8</sup>or statement of conditions] in accordance with a requirement under subsection (5) or (6).
- (9) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (10) In this section “authorised officer” has the meaning given in section 108(5).

#### Textual Amendments

- F1** Words in s. 109 title inserted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 113\(4\)\(a\)](#), 157(1) (with s. 113(6)); S.I. 2012/1129, art. 2(d)
- F2** Words in s. 109(2)(a) inserted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 113\(4\)\(b\)](#), 157(1) (with s. 113(6)); S.I. 2012/1129, art. 2(d)
- F3** Words in s. 109(3)(a) inserted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 113\(4\)\(c\)](#), 157(1) (with s. 113(6)); S.I. 2012/1129, art. 2(d)

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- F4** Words in s. 109(3)(b) substituted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 113(4)(d)**, 157(1) (with s. 113(6)); S.I. 2012/1129, art. 2(d)
- F5** Words in s. 109(5)(a) inserted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 113(4)(e)**, 157(1) (with s. 113(6)); S.I. 2012/1129, art. 2(d)
- F6** Words in s. 109(5) inserted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 113(4)(f)**, 157(1) (with s. 113(6)); S.I. 2012/1129, art. 2(d)
- F7** Words in s. 109(6) inserted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 113(4)(g)**, 157(1) (with s. 113(6)); S.I. 2012/1129, art. 2(d)
- F8** Words in s. 109(8) inserted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 113(4)(h)**, 157(1) (with s. 113(6)); S.I. 2012/1129, art. 2(d)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5A inserted by [2015 c. 20 s. 67\(2\)](#)Sch. 17
- s. 2(1A) inserted by [2015 c. 20 s. 67\(1\)](#)
- s. 10(4)(e) and word inserted by [2011 c. 13 s. 121\(3\)\(b\)](#)
- s. 140(2)(e) inserted by [2015 c. 20 s. 67\(4\)\(b\)](#)
- s. 141(2)(e) inserted by [2015 c. 20 s. 67\(5\)\(b\)](#)
- s. 143(2)(e) inserted by [2015 c. 20 s. 67\(6\)\(b\)](#)
- s. 144(2)(e) inserted by [2015 c. 20 s. 67\(7\)\(b\)](#)
- s. 147A(4)(c) inserted by [2015 c. 20 s. 67\(8\)\(b\)](#)
- s. 153(4)(d) inserted by [2015 c. 20 s. 67\(9\)\(b\)](#)
- s. 197(3)(cza) inserted by [2015 c. 20 s. 67\(12\)\(a\)](#)
- s. 197A197B inserted by [2011 c. 13 s. 121\(2\)](#)