

## SCHEDULES

### SCHEDULE 6

Section 198

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Universities (Wine Licences) Act 1743 (c. 40)*

- 1 The Universities (Wine Licences) Act 1743 ceases to have effect.

##### *Disorderly Houses Act 1751 (c. 36)*

- 2 The Disorderly Houses Act 1751 does not apply in relation to relevant premises within the meaning of section 159 of the Licensing Act 2003.

##### *Sunday Observance Act 1780 (c. 49)*

- 3 The Sunday Observance Act 1780 ceases to have effect.

##### *Town Police Clauses Act 1847 (c. 89)*

- 4 Section 35 of the Town Police Clauses Act 1847 (harbouring thieves or prostitutes at a public venue) ceases to have effect.

##### *Cambridge Award Act 1856 (c. xvii)*

- 5 The following provisions of the Cambridge Award Act 1856 cease to have effect—
- (a) section 9 (revocation of alehouse licence by justice of the peace following complaint by Vice Chancellor of the University), and
  - (b) section 11 (power to grant wine licence, etc. to remain vested in the Chancellor, Masters and Scholars of the University).

##### *Inebriates Act 1898 (c. 60)*

- 6 In the First Schedule to the Inebriates Act 1898 (offences by reference to which section 6 of the Licensing Act 1902 operates)—
- (a) omit the entry relating to section 18 of the Licensing Act 1872 and the entry relating to section 41 of the Refreshment Houses Act 1860, and
  - (b) after the entries relating to the Merchant Shipping Act 1894 insert—

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“Failing to leave licensed premises,      Licensing Act 2003, s 143.  
etc. when asked to do so.

Entering, or attempting to enter,  
licensed premises, etc. when asked not  
to do so.”

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*Licensing Act 1902 (c. 28)*

7 The Licensing Act 1902 is amended as follows.

8 (1) Section 6 (prohibition of sale of alcohol to person declared by the court to be a habitual drunkard) is amended as follows.

(2) For subsection (2) substitute—

“(2) Subsections (2A) to (2C) apply where a court, in pursuance of this Act, orders notice of a conviction to be sent to a police authority.

(2A) The court shall inform the convicted person that the notice is to be sent to a police authority.

(2B) The convicted person commits an offence if, within the three year period, he buys or obtains, or attempts to buy or obtain, alcohol on relevant premises.

(2C) A person to whom subsection (2D) applies commits an offence if, within the three year period, he knowingly—

- (a) sells, supplies or distributes alcohol on relevant premises, or
- (b) allows the sale, supply or distribution of alcohol on relevant premises,

to, or for consumption by, the convicted person.

(2D) This subsection applies—

- (a) to any person who works at the premises in a capacity, whether paid or unpaid, which gives him authority to sell, supply or distribute the alcohol concerned,
- (b) in the case of licensed premises, to—
  - (i) the holder of a premises licence which authorises the sale or supply of alcohol, and
  - (ii) the designated premises supervisor (if any) under such a licence,
- (c) in the case of premises in respect of which a club premises certificate authorising the sale or supply of alcohol has effect, to any member or officer of the club which holds the certificate who at the time the sale, supply or distribution takes place is present on the premises in a capacity which enables him to prevent it, and
- (d) in the case of premises which may be used for a permitted temporary activity by virtue of Part 5 of the Licensing Act 2003, the premises user in respect of a temporary event notice authorising the sale or supply of alcohol.

(2E) A person guilty of an offence under this section is liable on summary conviction—

- (a) in the case of an offence under subsection (2B), to a fine not exceeding level 1 on the standard scale, and
- (b) in the case of an offence under subsection (2C), to a fine not exceeding level 2 on the standard scale.”

(3) In subsection (3), for “licensed persons, and secretaries of clubs registered under Part III of this Act,” substitute “persons to whom subsection (4) applies”.

(4) After that subsection insert—

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- “(4) This subsection applies to—
- (a) the holder of a premises licence which authorises the sale or supply of alcohol,
  - (b) the designated premises supervisor (if any) under such a licence,
  - (c) the holder of a club premises certificate authorising the sale or supply of alcohol, and
  - (d) the premises user in relation to a temporary event notice authorising the sale or supply of alcohol.

- (5) In this section—
- “alcohol”, “club premises certificate”, “designated premises supervisor”, “licensed premises”, “permitted temporary activity”, “premises licence”, “premises user” and “temporary event notice” have the same meaning as in the Licensing Act 2003,
- “relevant premises” means premises which are relevant premises within the meaning of section 159 of that Act and on which alcohol may be lawfully sold or supplied, and
- “the three year period”, in relation to the convicted person, means the period of three years beginning with the day of the conviction.”

9 After section 8 (meaning of “public place”) insert—

*“Interpretation of “licensed premises”*

- 8A For those purposes, “licensed premises” includes—
- (a) any licensed premises within the meaning of section 193 of the Licensing Act 2003, and
  - (b) any premises which may be used for a permitted temporary activity by virtue of Part 5 of that Act.”

*Celluloid and Cinematograph Film Act 1922 (c. 35)*

10 At the end of section 2 of the Celluloid and Cinematograph Film Act 1922 (premises to which the Act does not apply), add “or which may, by virtue of an authorisation (within the meaning of section 136 of the Licensing Act 2003), be used for an exhibition of a film (within the meaning of paragraph 15 of Schedule 1 to that Act)”.

*Sunday Entertainments Act 1932 (c. 51)*

11 The Sunday Entertainments Act 1932 ceases to have effect.

*Children and Young Persons Act 1933 (c. 12)*

- 12 The Children and Young Persons Act 1933 is amended as follows.
- 13 In section 5 (giving alcohol to a child under five) for “intoxicating liquor” substitute “alcohol (within the meaning given by section 191 of the Licensing Act 2003, but disregarding subsection (1)(f) to (i) of that section)”.
- 14 In section 12 (failing to provide for safety of children at entertainments)—
- (a) in subsection (3) omit the words from “, and also” to the end,
  - (b) in subsection (5), for paragraph (a) substitute—

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- “(a) in the case of a building in respect of which a premises licence authorising the provision of regulated entertainment has effect, be the duty of the relevant licensing authority;”, and
- (c) after that subsection, insert—
  - “(5A) For the purposes of this section—
    - (a) “premises licence” and “the provision of regulated entertainment” have the meaning given by the Licensing Act 2003, and
    - (b) “the relevant licensing authority”, in relation to a building in respect of which a premises licence has effect, means the relevant licensing authority in relation to that building under section 12 of that Act.”

15 In section 107 (interpretation), omit the definition of “intoxicating liquor”.

*Public Health Act 1936 (c. 49)*

- 16 In section 226 of the Public Health Act 1936 (power of local authority to close swimming bath and use it instead for other purposes)—
- (a) for subsection (3) substitute—
    - “(3) Nothing in this section shall authorise the use of a swimming bath or bathing place for the provision of regulated entertainment (within the meaning of the Licensing Act 2003), unless that activity is carried on under and in accordance with an authorisation (within the meaning given in section 136 of that Act).”, and
  - (b) omit subsection (4).

*London Building Acts (Amendment) Act 1939 (c. xcvi)*

- 17 In each of the following provisions of the London Building Acts (Amendment) Act 1939, for “the premises are so licensed” substitute “the premises are premises which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of section 14 of that Act) for consumption on the premises”—
- (a) section 11(9)(b) (exemption of licensed premises from provision as to naming of buildings),
  - (b) paragraph (A) of the proviso to section 13 (offences as to numbering or naming of buildings).

*Civic Restaurants Act 1947 (c. 22)*

- 18 In section 1(4) of the Civic Restaurants Act 1947 (civic restaurant authority to be subject to law relating to sale of alcohol), for “the enactments relating to the sale of intoxicating liquor” substitute “the Licensing Act 2003 and any other enactment relating to the sale of intoxicating liquor”.

*London County Council (General Powers) Act 1947 (c. xlvi)*

- 19 In section 6(1)(b) of the London County Council (General Powers) Act 1947 (saving in connection with the provision of entertainment for enactments relating to the sale

of alcohol), for “any enactment relating to the sale of intoxicating liquor” substitute “the Licensing Act 2003 and any other enactment relating to the sale of intoxicating liquor”.

*National Parks and Access to the Countryside Act 1949 (c. 97)*

- 20 In each of the following provisions of the National Parks and Countryside Act 1949, for “intoxicating liquor” substitute “alcohol (within the meaning of the Licensing Act 2003)”—
- (a) section 12(1)(a) (provision of facilities in National Park),
  - (b) section 54(2) (provision of facilities along long-distance routes).

*Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)*

- 21 The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 is amended as follows.
- 22 In section 14(2)(a) (protection against insecurity of tenure of place of residence), after “premises” insert “in England and Wales which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of section 14 of that Act) on the premises or in Scotland which are”.
- 23 In section 18(3)(a) (protection against insecurity of tenure in connection with employment), after “premises” insert “in England and Wales which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of section 14 of that Act) on the premises for consumption on the premises or in Scotland which are”.
- 24 In section 27(1) (renewal of tenancy expiring during period of service), in the second paragraph (c), for the words “licensed for the sale of intoxicating liquor for consumption on the premises” substitute “which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of section 14 of that Act) for consumption on the premises”.

*Hypnotism Act 1952 (c. 46)*

- 25 The Hypnotism Act 1952 is amended as follows.
- 26 (1) Section 1 (inclusion in an entertainment licence of conditions in relation to demonstrations of hypnotism) is amended as follows.
- (2) In subsection (1)—
    - (a) after “any area” insert “in Scotland”, and
    - (b) for “places kept or ordinarily used for public dancing, singing, music or other public entertainment of the like kind” substitute “theatres or other places of public amusement or public entertainment”.
  - (3) Omit subsection (2).
- 27 In section 2 (requirement for authorisation for demonstration of hypnotism)—
- (a) in subsection (1), for the words from “in relation” to the end substitute “, unless—
    - (a) the controlling authority have authorised that exhibition, demonstration or performance under this section, or

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- (b) the place is in Scotland and a licence mentioned in section 1 of this Act is in force in relation to it.”,
- (b) in subsection (1A) for the words from “either at premises” to the end substitute “at premises in Scotland in respect of which a licence under that Act is in force”,
- (c) after subsection (3) insert—
  - “(3A) A function conferred by this section on a licensing authority is, for the purposes of section 7 of the Licensing Act 2003 (exercise and delegation by licensing authority of licensing functions), to be treated as a licensing function within the meaning of that Act.”, and
- (d) for subsection (4) substitute—
  - “(4) In this section—
    - “controlling authority” means—
      - (a) in relation to a place in England and Wales, the licensing authority in whose area the place, or the greater or greatest part of it, is situated, and
      - (b) in relation to a place in Scotland, the authority having power to grant licences of the kind mentioned in section 1 in that area, and
    - “licensing authority” has the meaning given by the Licensing Act 2003.”

*Obscene Publications Act 1959 (c. 66)*

- 28 (1) Section 2 of the Obscene Publications Act 1959 (prohibition of publication of obscene matter) is amended as follows.
- (2) In subsections (3A) and (4A), for “a film exhibition” in each place it occurs, substitute “an exhibition of a film”.
  - (3) For subsection (7) substitute—
    - “(7) In this section, “exhibition of a film” has the meaning given in paragraph 15 of Schedule 1 to the Licensing Act 2003.”

*Betting, Gaming and Lotteries Act 1963 (c. 2)*

- 29 The Betting, Gaming and Lotteries Act 1963 is amended as follows.
- 30 In section 10(1B) (conduct of licensed betting offices) for “the provision in a licensed betting office of any facility in respect of which a licence under the Licensing Act 1964 or the Licensing (Scotland) Act 1976 is required” substitute—
- “(a) in a licensed betting office in England and Wales, the supply of alcohol (within the meaning of section 14 of the Licensing Act 2003) in circumstances where that supply is a licensable activity (within the meaning of that Act);
  - (b) in a licensed betting office in Scotland, the provision of any facility in respect of which a licence is required under the Licensing (Scotland) Act 1976”.

- 31 In Schedule 4 (rules for licensed betting offices), in paragraph 10(a), for “intoxicating liquor within the meaning of section 201(1) of the Licensing Act 1964” substitute “alcohol within the meaning of section 191 of the Licensing Act 2003”.

*Children and Young Persons Act 1963 (c. 37)*

- 32 For section 37(2)(b) of the Children and Young Persons Act 1963 (restriction on performance by child in licensed premises) substitute—
- “(b) any performance in premises—
- (i) which, by virtue of an authorisation (within the meaning of section 136 of the Licensing Act 2003), may be used for the supply of alcohol (within the meaning of section 14 of that Act), or
  - (ii) which are licensed premises (within the meaning of the Licensing (Scotland) Act 1976) or in respect of which a club is registered under that Act;”.

*Offices, Shops and Railway Premises Act 1963 (c. 41)*

- 33 In section 90 of the Offices, Shops and Railway Premises Act 1963 (interpretation), omit the definition of “place of public entertainment”.

*Greater London Council (General Powers) Act 1966 (c. xxviii)*

- 34 The Greater London Council (General Powers) Act 1966 is amended as follows.
- 35 In section 21(1) (licensing of public exhibitions, etc.)—
- (a) for “intoxicating liquor” substitute “alcohol (within the meaning of the Licensing Act 2003)”, and
  - (b) for “a film exhibition within the meaning of the Cinemas Act 1985” substitute “an exhibition of a film (within the meaning of paragraph 15 of Schedule 1 to the Licensing Act 2003)”.
- 36 In section 22 (application to old buildings of provisions for protection against fire in the London Building Acts (Amendment) Act 1939)—
- (a) in subsection (1), for the words from “being in either case” to “for that purpose” substitute “which may lawfully be used for the provision of regulated entertainment (within the meaning of the Licensing Act 2003) only by virtue of an authorisation under that Act”, and
  - (b) in subsection (2), for the words from “where” to “that licence” substitute “where a building, or part of a building, is being used for the provision of regulated entertainment by virtue of a premises licence (under the Licensing Act 2003) granted by a borough council, the Common Council, the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple”.

*Finance Act 1967 (c. 54)*

- 37 In section 5 of the Finance Act 1967 (no requirement for excise licence)—
- (a) in subsection (1), omit paragraph (c), and
  - (b) in subsection (3), omit “which is registered within the meaning of the Licensing Act 1964 or”.



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*Criminal Appeal Act 1968 (c. 19)*

- 38 The Criminal Appeal Act 1968 is amended as follows.
- 39 In section 10 (appeal against sentence to Crown Court), at the end of subsection (3) (c) add—
- “(viii) an order under section 129 of the Licensing Act 2003 (forfeiture or suspension of personal licence); or”.
- 40 In section 31 (powers of Court of Appeal under Part 1 exercisable by single judge), after subsection (2B) insert—
- “(2C) The power of the Court of Appeal, under section 130 of the Licensing Act 2003, to suspend an order under section 129 of that Act may be exercised by a single judge in the same manner as it may be exercised by the Court.”
- 41 In section 44 (powers of Court of Appeal under Part 2 exercisable by single judge), after subsection (2) insert—
- “(3) The power of the Court of Appeal, under section 130 of the Licensing Act 2003, to suspend an order under section 129 of that Act may be exercised by a single judge, but where the judge refuses an application to exercise that power the applicant shall be entitled to have the application determined by the Court of Appeal.”
- 42 In section 50 (meaning of “sentence”), at the end of subsection (1) insert “; and
- (i) an order under section 129(2) of the Licensing Act 2003 (forfeiture or suspension of personal licence).”

*Theatres Act 1968 (c. 54)*

- 43 The Theatres Act 1968 is amended as follows.
- 44 The following provisions cease to have effect in England and Wales—
- (a) section 1(2) (local authority may not impose conditions on nature of plays),
- (b) sections 12 to 14 (licensing of premises for public performance of plays),
- (c) Schedule 1 (provision about licences to perform plays).
- 45 In section 15 (warrant to enter theatre where offence suspected)—
- (a) in subsection (1)—
- (i) paragraph (b) and the word “or” immediately preceding it, and
- (ii) the words “or, in a case falling within paragraph (b) above, any police officer or authorised officer of the licensing authority”,
- cease to have effect in England and Wales,
- (b) subsections (2) to (5) cease to have effect in England and Wales, and
- (c) subsection (6) is omitted.
- 46 Section 17 (existing letters patent) ceases to have effect.
- 47 In section 18(1) (interpretation), in the definition of “licensing authority”, omit paragraphs (a), (b) and (bb).

*Gaming Act 1968 (c. 65)*

- 48 The Gaming Act 1968 is amended as follows.
- 49 (1) Section 6 (playing games on premises used for sale of alcohol) is amended as follows.



(2) For subsection (2) substitute—

“(2) This section applies to any premises in England and Wales in respect of which there is in force a premises licence authorising the supply of alcohol for consumption on the premises.

(2A) This section also applies to any premises in Scotland in respect of which a hotel licence or public house licence under the Licensing (Scotland) Act 1976 is in force.”

(3) In subsection (3)—

(a) for paragraph (a) substitute—

“(a) of the holder of the licence which has effect in respect of any premises to which this section applies,” and

(b) for “the licensing justices for the licensing district, or, in Scotland, the licensing board for the licensing area, in which the premises are situated” substitute “the relevant licensing authority, or, in Scotland, the licensing board for the licensing area in which the premises are situated,”.

(4) In subsection (4)—

(a) for “the licensing justices for the licensing district, or, in Scotland, the licensing board for the licensing area, in which the premises are situated” substitute “the relevant licensing authority, or, in Scotland, the licensing board for the licensing area in which the premises are situated,” and

(b) for “the justices” substitute “the authority”.

(5) In subsection (5), for “licensing justices or a licensing board, the justices or board” substitute “a licensing authority or a licensing board, the authority or board”.

(6) In subsection (6) —

(a) for “the licensing justices or” substitute “the relevant licensing authority or the”,

(b) for paragraph (a) substitute—

“(a) to the holder of the licence,” and

(c) for “the police area” substitute “each police area”.

(7) After subsection (7) insert—

“(7A) A function conferred by this section on a licensing authority is, for the purposes of section 7 of the Licensing Act 2003 (exercise and delegation by licensing authority of licensing functions), to be treated as a licensing function within the meaning of that Act.”

(8) For subsection (8) substitute—

“(8) In this section—

“licensing area” has the same meaning as in the Licensing (Scotland) Act 1976,

“licensing authority” and “premises licence” have the same meaning as in the Licensing Act 2003,

“relevant licensing authority”, in relation to premises in respect of which a premises licence has effect, means the authority determined

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in relation to those premises in accordance with section 12 of that Act, and

“supply of alcohol” has the meaning given in section 14 of that Act.”

50 For section 7(2) (offence to allow child to take part in gaming on licensed premises) substitute—

“(2) Neither the holder of the licence which has effect in respect of premises to which section 6 applies, nor anybody employed by him, may knowingly allow a person under 18 to take part on those premises in gaming to which this Part applies.”

51 For section 8(7) (penalty for contravention of section 7(2)) substitute—

“(7) Any person who contravenes section 7(2) is guilty of an offence and—

- (a) where the offence is committed in England and Wales, the person is liable on summary conviction to a fine not exceeding level 5 on the standard scale, and
- (b) where the offence is committed in Scotland, the provisions of Schedule 5 to the Licensing (Scotland) Act 1976 are to have effect as they have effect in relation to a contravention of section 68(1) of that Act.”

52 (1) Schedule 9 (permits in respect of amusement machine premises) is amended as follows.

(2) In paragraph 1 (interpretation), for paragraph (a) substitute—

“(a) in relation to any premises in England and Wales in respect of which there is in force a premises licence authorising the supply of alcohol for consumption on the premises, means the relevant licensing authority in relation to those premises;”.

(3) After that paragraph, insert—

“1A A function conferred by this Schedule on a licensing authority is, for the purposes of section 7 of the Licensing Act 2003 (exercise and delegation by licensing authority of licensing functions), to be treated as a licensing function within the meaning of that Act.”

(4) In paragraph 10A (condition in case of licensed premises, etc. that amusement machine must be located in a bar), in sub-paragraph (2)(a), for “has the same meaning as in the Licensing Act 1964” substitute “means any place which, by virtue of a premises licence, may be used for the supply of alcohol and which is exclusively or mainly used for the supply and consumption of alcohol”.

(5) In paragraph 11—

- (a) in sub-paragraphs (2) and (3) (appeals), for “proper officer of” substitute “clerk to”, and
- (b) omit sub-paragraph (5).

(6) Omit paragraph 14 (payment of indemnity out of central funds).

(7) In paragraph 21 (fees), for “proper officer” substitute “clerk”.

(8) For paragraph 23 (interpretation of expressions relating to licensing) substitute—

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- “23 In this Schedule—
- “alcohol”, “licensing authority” and “premises licence” have the same meaning as in the Licensing Act 2003;
  - “hotel licence” and “public house licence” have the same meaning as in Schedule 1 to the Licensing (Scotland) Act 1976;
  - “relevant licensing authority”, in relation to premises in respect of which a premises licence is in force, means the authority determined in relation to those premises in accordance with section 12 of the Licensing Act 2003; and
  - “supply of alcohol” is to be construed in accordance with section 14 of that Act.”

(9) Omit paragraph 24 (proper officer of an appropriate authority).

*City of London (Various Powers) Act 1968 (c. xxxvii)*

- 53 For section 5(3) of the City of London (Various Powers) Act 1968 (entitlement of Corporation of London to apply for and hold licence to sell alcohol in arrangements for catering facilities) substitute—

“(3) The Corporation of London or any person appointed by them in that behalf may, subject to section 16 of the Licensing Act 2003, for the purposes of this section apply for and hold a premises licence under that Act for the sale by retail of alcohol within the meaning of that Act.”

*Finance Act 1970 (c. 24)*

- 54 In section 6(2)(b) of the Finance Act 1970 (Angostura bitters)—
- (a) omit “, the Licensing Act 1964”, and
  - (b) for “either of those Acts” substitute “that Act”.

*Sunday Theatre Act 1972 (c. 26)*

- 55 The Sunday Theatre Act 1972 ceases to have effect.

*Local Government Act 1972 (c. 70)*

- 56 The Local Government Act 1972 is amended as follows.
- 57 In section 78(1) (supplementary provision relating to changes in local government areas), omit the definition of “public body”.
- 58 In section 101 (arrangements for discharge of functions by local authorities), after subsection (14) insert—
- “(15) Nothing in this section applies in relation to any function under the Licensing Act 2003 of a licensing authority (within the meaning of that Act).”
- 59 In section 145(4) (provision of entertainment), for “intoxicating liquor” substitute “alcohol”.
- 60 Section 204 (licensed premises) ceases to have effect.
- 61 (1) Schedule 12 (meetings and proceedings of local authorities) is amended as follows.

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- (2) In the following provisions, for “premises licensed for the sale of intoxicating liquor” substitute “premises which at the time of such a meeting may, by virtue of a premises licence or temporary event notice under the Licensing Act 2003, be used for the supply of alcohol (within the meaning of section 14 of that Act)”—
- (a) paragraph 10(1) (location of parish council meetings),
  - (b) paragraph 26(1) (location of community council meetings).
- (3) In the following provisions, for “premises licensed for the sale of intoxicating liquor” substitute “premises which at the time of the meeting may, by virtue of a premises licence or temporary event notice under the Licensing Act 2003, be used for the supply of alcohol (within the meaning of section 14 of that Act)”—
- (a) paragraph 14(5) (location of parish meetings),
  - (b) paragraph 32(2) (location of community meetings).

*Lotteries and Amusements Act 1976 (c. 32)*

- 62 Schedule 3 to the Lotteries and Amusements Act 1976 (provision about permits for commercial provision of amusements with prizes) is amended as follows.
- 63 (1) Paragraph 1 (interpretation) is amended as follows.
- (2) In sub-paragraph (1), for paragraph (a) substitute—
- “(a) in relation to any premises in England and Wales in respect of which there is in force a premises licence authorising the supply of alcohol for consumption on the premises, the relevant licensing authority in relation to those premises;”.
- (3) In sub-paragraph (2)—
- (a) for the definition of “justices’ on-licence”, “licensing district” and “Part IV licence” substitute—
 

““alcohol”, “licensing authority” and “premises licence” have the same meaning as in the Licensing Act 2003;”,
  - (b) omit the definition of “the proper officer of the authority”, and
  - (c) at the appropriate place, insert—
 

““relevant licensing authority”, in relation to premises in respect of which a premises licence is in force, means the licensing authority in relation to those premises determined in accordance with section 12 of the Licensing Act 2003;”, and

““supply of alcohol” has the same meaning as in section 14 of the Licensing Act 2003;”.
- (4) After that sub-paragraph insert—
- “(3) A function conferred by this Schedule on a licensing authority is, for the purposes of section 7 of the Licensing Act 2003 (exercise and delegation by licensing authority of licensing functions), to be treated as a licensing function within the meaning of that Act.”
- 64 In paragraph 8 (appeals)—
- (a) in sub-paragraphs (2) and (3), for “proper officer of” substitute “clerk to”, and

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(b) omit sub-paragraph (4).

65 Omit paragraph 11 (payment of indemnity from central funds).

66 In paragraph 18 (fees), for “proper officer” substitute “clerk”.

*Rent Act 1977 (c. 42)*

67 In section 11 of the Rent Act 1977 (tenancy of licensed premises not to be protected or statutory tenancy), for “premises licensed for the sale of intoxicating liquors” substitute “premises which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of section 14 of that Act)”.

*Greater London Council (General Powers) Act 1978 (c. xiii)*

68 The Greater London Council (General Powers) Act 1978 is amended as follows.

69 Section 3 (human posing to be treated as entertainment) ceases to have effect.

70 In section 5(4)(a) (definition of “booking office”)—

- (a) omit sub-paragraph (ii) and the word “or” immediately preceding it, and
- (b) for “sub-paragraphs (i) and (ii)” substitute “sub-paragraph (i)”.

*Alcoholic Liquor Duties Act 1979 (c. 4)*

71 The Alcoholic Liquor Duties Act 1979 is amended as follows.

72 In section 4 (interpretation)—

- (a) in the definition of “justices' licence” and “justices' on-licence”, omit paragraph (a), and
- (b) in the definition of “registered club”, omit “which is for the time being registered within the meaning of the Licensing Act 1964 or”.

73 In section 71 (exception to penalty for misdescribing alcohol as spirits)—

- (a) after subsection (4) insert—

“(4A) Nothing in this section as it applies to England and Wales shall apply to any alcohol (within the meaning of the Licensing Act 2003) which is prepared on any premises which may be lawfully used for the supply of alcohol (within the meaning of section 14 of that Act) for immediate consumption there.”

- (b) in subsection (5)—

- (i) omit “England and Wales or”,
- (ii) omit paragraph (c), and
- (iii) for “, in that club or on board that aircraft, vessel or vehicle,” substitute “or in that club”.

*Licensed Premises (Exclusion of Certain Persons) Act 1980 (c. 32)*

74 In section 4(1) of the Licensed Premises (Exclusion of Certain Persons) Act 1980 (interpretation), in the definition of “licensed premises” for the words “a justices' on-licence (within the meaning of section 1 of the Licensing Act 1964)” substitute

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“a premises licence under the Licensing Act 2003 authorising the supply of alcohol (within the meaning of section 14 of that Act) for consumption on the premises”.

*Magistrates' Courts Act 1980 (c. 43)*

75 In Part 3 of Schedule 6 to the Magistrates' Courts Act 1980 (matters to which provision relating to fees taken by clerks to justices does not apply), paragraphs 3 and 5 are omitted.

*Local Government, Planning and Land Act 1980 (c. 65)*

76 The Local Government, Planning and Land Act 1980 is amended as follows.

77 Sections 131 and 132 (licensing in new towns) cease to have effect.

78 In section 133 (miscellaneous provision about new towns), in subsection (1), omit the following definitions—

- (a) “development corporation”,
- (b) “the 1964 Act”.

79 In section 146 (disposal of land by urban development corporation)—

- (a) in subsection (3), for “intoxicating liquor” substitute “alcohol”, and
- (b) in subsection (6), for ““intoxicating liquor” has the meaning assigned by section 201 of the Licensing Act 1964” substitute ““alcohol” has the meaning given by section 191 of the Licensing Act 2003”.

*Indecent Displays (Control) Act 1981 (c. 42)*

80 In section 1(4) of the Indecent Displays (Control) Act 1981 (exemptions from offence of displaying indecent matter)—

- (a) for paragraph (d) substitute—
  - “(d) included in a performance of a play (within the meaning of paragraph 14(1) of Schedule 1 to the Licensing Act 2003) in England and Wales or of a play (within the meaning of the Theatres Act 1968) in Scotland;”, and
- (b) in paragraph (e) for “included in a film exhibition as defined in the Cinemas Act 1985” substitute “included in an exhibition of a film, within the meaning of paragraph 15 of Schedule 1 to the Licensing Act 2003, in England and Wales, or a film exhibition, as defined in the Cinemas Act 1985, in Scotland”.

*New Towns Act 1981 (c. 64)*

81 In section 18 of the New Towns Act 1981 (disposal by development corporation of land to occupiers of it before acquisition by corporation), in subsection (3) for the words “intoxicating liquor (“intoxicating liquor” having the meaning given in section 201(1) of the Licensing Act 1964)” substitute “alcohol (within the meaning of section 191 of the Licensing Act 2003)”.

*Local Government (Miscellaneous Provisions) Act 1982 (c. 30)*

82 The Local Government (Miscellaneous Provisions) Act 1982 is amended as follows.

83 The following provisions cease to have effect—

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- (a) section 1 (licensing of public entertainment outside Greater London),
  - (b) sections 4 to 6 (controls on take-away food shops),
  - (c) Schedule 1 (licensing of public entertainment outside Greater London).
- 84 In section 10(11) (requirement that apparatus to be installed should be provided with cut-off switch disappplied in relation to cinemas) for the words “premises in respect of which a licence under section 1 of the Cinemas Act 1985 is for the time being in force” substitute “premises in respect of which a premises licence under the Licensing Act 2003 has effect authorising the use of the premises for an exhibition of a film, within the meaning of paragraph 15 of Schedule 1 to that Act”.
- 85 (1) Schedule 3 (control of sex establishments) is amended as follows.
- (2) In paragraph 3(2) (premises not to be treated as a sex cinema merely because the exhibition of a film there must be authorised by a licence, etc.)—
- (a) for paragraph (a) substitute—
    - “(a) if they may be used for an exhibition of a film (within the meaning of paragraph 15 of Schedule 1 to the Licensing Act 2003) by virtue of an authorisation (within the meaning of section 136 of that Act), of their use in accordance with that authorisation”, and
    - (b) in paragraph (b), for “that Act” substitute “the Cinemas Act 1985”.
  - (3) In paragraph 3A (exemption for theatres and cinemas from provisions about sex encounter establishments) for paragraphs (i) and (ii) of the proviso substitute—
    - “(i) for the time being, being used for the provision of regulated entertainment (within the meaning of the Licensing Act 2003), in circumstances where that use is authorised under that Act; or
    - (ii) for the time being, being used for the purposes of late night refreshment (within the meaning of that Act), in circumstances where that use is so authorised; or”.

#### *Representation of the People Act 1983 (c. 2)*

- 86 The Representation of the People Act 1983 is amended as follows.
- 87 In section 185 (interpretation of Part relating to legal proceedings), for the definition of “Licensing Acts” substitute—
- ““Licensing Acts” means the Licensing (Scotland) Act 1976 and the Licensing (Northern Ireland) Order 1996 (as that Act or Order may from time to time have effect);”.
- 88 In Schedule 7 (transitional and saving provision), omit paragraph 4.

#### *Video Recordings Act 1984 (c. 39)*

- 89 In section 3(7) of the Video Recordings Act 1984 (exempted supply of video recording)—
- (a) before paragraph (a) insert—
    - “(za) premises in England and Wales which, by virtue of an authorisation within the meaning of section 136 of the Licensing Act 2003, may be used for the exhibition of a



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- film within the meaning of paragraph 15 of Schedule 1 to that Act,” and
- (b) in paragraphs (a) and (c) after “premises”, and in paragraph (b) after the first “premises”, insert “in Scotland”.

*Building Act 1984 (c. 55)*

- 90 The Building Act 1984 is amended as follows.
- 91 In section 24(4) (provision of exits in buildings) for paragraph (c) substitute—
- “(c) premises in respect of which a club premises certificate has effect under the Licensing Act 2003,”.
- 92 In section 74(2) (exemption for certain premises from requirement for local authority’s consent for cellars and rooms below subsoil water level), omit paragraph (a) and the word “or” immediately following it.

*Police and Criminal Evidence Act 1984 (c. 60)*

- 93 In Schedule 1A to the Police and Criminal Evidence Act 1984 (arrestable offences) at the end there is inserted—

*“Licensing Act 2003*

26. An offence under section 143(1) of the Licensing Act 2003 (failure to leave licensed premises, etc.).”

*Greater London Council (General Powers) Act 1984 (c. xxvii)*

- 94 In section 15(1) of the Greater London Council (General Powers) Act 1984 (exceptions to power of Council to refuse to register sleeping accommodation), at the end insert “; or
- (v) a building—
- (a) in respect of which there is in force immediately before the appointed day a premises licence under the Licensing Act 2003 authorising the supply of alcohol (within the meaning of section 14 of that Act) for consumption on the premises, and
- (b) the use of which for a specified purpose would not contravene the Town and Country Planning Act 1990.”

*Cinemas Act 1985 (c. 13)*

- 95 The Cinemas Act 1985 ceases to have effect in England and Wales.

*Sporting Events (Control of Alcohol etc.) Act 1985 (c. 57)*

- 96 The Sporting Events (Control of Alcohol etc.) Act 1985 is amended as follows.
- 97 In the following provisions, for “intoxicating liquor” substitute “alcohol”—
- (a) section 1(2) and (3) (alcohol on coaches and trains),
- (b) section 1A(2) and (3) (alcohol on certain other vehicles),

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- (c) section 2(1) (alcohol at sports grounds).
- 98 Omit section 2(1A) (application to private rooms of offence of having alcohol at designated sporting event).
- 99 The following provisions cease to have effect—
- (a) sections 3 and 4 (order about licensing hours in sports grounds),
  - (b) section 5 (appeal against such an order),
  - (c) section 5A (restricted periods in relation to possession of alcohol in private rooms at sports grounds),
  - (d) section 5B (occasional licences at sports grounds),
  - (e) section 5C (supply of alcohol by clubs at sports grounds),
  - (f) section 5D (non-retail sales of alcohol during sporting event),
  - (g) section 6 (closure of bar during sporting event),
  - (h) the Schedule (procedure for obtaining order about licensing hours in sports grounds).
- 100 In section 8 (offences)—
- (a) in paragraph (b), for “, 2A(1), 3(10), 5B(2), 5C(3), 5D(2) or 6(2)” substitute “or 2A(1)”, and
  - (b) omit paragraphs (d) and (e).
- 101 In section 9 (interpretation)—
- (a) omit subsection (5), and
  - (b) for subsection (7) substitute—
- “(7) An expression used in this Act and in the Licensing Act 2003 has the same meaning in this Act as in that Act.”

*Housing Act 1985 (c. 68)*

- 102 The Housing Act 1985 is amended as follows.
- 103 In section 11 (provision of board facilities by local housing authority)—
- (a) for subsection (3) substitute—
- “(3) Where a premises licence under Part 3 of the Licensing Act 2003 authorises the sale by retail of alcohol in connection with the provision of facilities of the kind mentioned in subsection (1) (a), then, notwithstanding the terms of that licence, it does not have effect so as to authorise the sale by retail of alcohol for consumption otherwise than with a meal.”,
- (b) in subsection (4) after “the sale of intoxicating liquor” insert “or the sale by retail of alcohol”, and
  - (c) after that subsection insert—
- “(5) An expression used in this section and in the Licensing Act 2003 has the same meaning in this section as in that Act.”
- 104 In Schedule 1 (tenancies which are not secure tenancies), in paragraph 9, for “premises licensed for the sale of intoxicating liquor” substitute “premises which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of section 14 of that Act)”.

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*Sex Discrimination Act 1986 (c. 59)*

- 105 Section 5 of the Sex Discrimination Act 1986 (discrimination required by public entertainment licence) ceases to have effect.

*Fire Safety and Safety of Places of Sport Act 1987 (c. 27)*

- 106 After section 33(2) of the Fire Safety and Safety of Places of Sport Act 1987 (requirements of safety certificate to take precedence over conflicting conditions imposed in licence, etc.) insert—

“(2A) For the purposes of subsection (2)—

- (a) “the licensing of premises” includes the granting of a premises licence or club premises certificate under the Licensing Act 2003, and
- (b) “licence” is to be construed accordingly.”

*Norfolk and Suffolk Broads Act 1988 (c. 4)*

- 107 In paragraph 40(1) of Schedule 3 to the Norfolk and Suffolk Broads Act 1988 (provision of facilities by Broads Authority), in paragraph (b) for “intoxicating liquor” substitute “alcohol (within the meaning of the Licensing Act 2003)”.

*Housing Act 1988 (c. 50)*

- 108 In Schedule 1 to the Housing Act 1988 (tenancies which cannot be assured tenancies), in paragraph 5, for “premises licensed for the sale of intoxicating liquors” substitute “premises which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of section 14 of that Act)”.

*Town and Country Planning Act 1990 (c. 8)*

- 109 Section 334 of the Town and Country Planning Act 1990 (licensing planning areas) ceases to have effect.

*Sunday Trading Act 1994 (c. 20)*

- 110 (1) Schedule 1 to the Sunday Trading Act 1994 (restrictions on Sunday opening of large shops) is amended as follows.
- (2) In paragraph 1—
- (a) for the definition of “intoxicating liquor” substitute—
- ““alcohol” has the same meaning as in the Licensing Act 2003,” and
- (b) in paragraph (a) of the definition of “sale of goods”, for “intoxicating liquor” substitute “alcohol”.
- (3) In paragraph 3(1)(b) for “intoxicating liquor” substitute “alcohol”.

*Criminal Justice and Public Order Act 1994 (c. 33)*

- 111 In section 63 of the Criminal Justice and Public Order Act 1994 (power to remove persons attending raves, etc.), for subsection (9)(a) substitute—

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- “(a) in England and Wales, to a gathering in relation to a licensable activity within section 1(1)(c) of the Licensing Act 2003 (provision of certain forms of entertainment) carried on under and in accordance with an authorisation within the meaning of section 136 of that Act;”.

*Deregulation and Contracting Out Act 1994 (c. 40)*

- 112 Section 21 of the Deregulation and Contracting Out Act 1994 (Sunday Observance Act 1780 not to apply to sporting events) ceases to have effect.

*London Local Authorities Act 1995 (c. x)*

- 113 In section 14 of the London Local Authorities Act 1995 (interpretation of Part relating to near beer premises), in the definition of “near beer premises”—
- (a) for “intoxicating liquor is provided exemption or saving from the provisions of the Act of 1964 by virtue of section 199 of that Act” substitute “alcohol is not a licensable activity under or by virtue of section 173 of the Licensing Act 2003”,
  - (b) for paragraph (A) substitute—
    - “(A) a premises licence under Part 3 of that Act which authorises the supply of alcohol (within the meaning of section 14 of that Act) for consumption on the premises;”,
  - (c) in paragraph (B)—
    - (i) omit “Schedule 12 to the London Government Act 1963,” and “or the Private Places of Entertainment (Licensing) Act 1967”, and
    - (ii) at the end insert “or a premises licence granted under Part 3 of the Licensing Act 2003 which authorises the provision of any form of regulated entertainment (within the meaning of Schedule 1 to that Act)”,
  - (d) omit paragraphs (C) to (E),
  - (e) for paragraphs (F) and (G) substitute—
    - “(F) a temporary event notice under the Licensing Act 2003, by virtue of which the premises may be used for the supply of alcohol (within the meaning of section 14 of that Act);”,
  - (f) for the words from “during the hours” to “licence:” substitute “during the hours permitted by such licence or notice:”, and
  - (g) for “such licence; and” substitute “such licence or notice; and”.

*Employment Rights Act 1996 (c. 18)*

- 114 In section 232(7) of the Employment Rights Act 1996 (definition of “catering business”)—
- (a) in paragraph (a) for “intoxicating liquor” substitute “alcohol”, and
  - (b) for ““intoxicating liquor” has the same meaning as in the Licensing Act 1964” substitute ““alcohol” has the same meaning as in the Licensing Act 2003”.

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*Confiscation of Alcohol (Young Persons) Act 1997 (c. 33)*

115 (1) Section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 (confiscation of alcohol) is amended as follows.

(2) In subsection (1)—

- (a) for “intoxicating liquor”, in each place it occurs, substitute “alcohol”,
- (b) in paragraph (b) for “liquor” substitute “alcohol”, and
- (c) for “such liquor” substitute “alcohol”.

(3) For subsection (7) substitute—

“(7) In this section—

“alcohol”—

- (a) in relation to England and Wales, has the same meaning as in the Licensing Act 2003;
- (b) in relation to Northern Ireland, has the same meaning as “intoxicating liquor” in the Licensing (Northern Ireland) Order 1996; and

“licensed premises”—

- (a) in relation to England and Wales, means premises which may by virtue of Part 3 or Part 5 of the Licensing Act 2003 (premises licence; permitted temporary activity) be used for the supply of alcohol within the meaning of section 14 of that Act;
- (b) in relation to Northern Ireland, has the same meaning as in the Licensing (Northern Ireland) Order 1996.”

*Police Act 1997 (c. 50)*

116 In section 115(5) of the Police Act 1997 (enhanced criminal record certificates), after paragraph (d) insert—

“(da) a personal licence under the Licensing Act 2003;”.

*London Local Authorities Act 2000 (c. vii)*

117 In section 32 of the London Local Authorities Act 2000 (interpretation of provisions about the licensing of buskers), in the definition of “busking”, for paragraph (b) substitute—

“(b) under and in accordance with a premises licence under Part 3 of the Licensing Act 2003, or a temporary event notice having effect under Part 5 of that Act, which authorises the provision of regulated entertainment (within paragraph 2(1)(e) to (h) or 3(2) of Schedule 1 to that Act (music and dancing));”.

*Private Security Industry Act 2001 (c. 12)*

118 (1) Paragraph 8 of Schedule 2 to the Private Security Industry Act 2001 (door supervisors etc. for licensed premises) is amended as follows.

(2) In sub-paragraph (2), for paragraphs (a) to (d) substitute—

“(a) any premises in respect of which a premises licence or temporary event notice has effect under the Licensing Act 2003 to authorise

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the supply of alcohol (within the meaning of section 14 of that Act) for consumption on the premises;

- (b) any premises in respect of which a premises licence or temporary event notice has effect under that Act to authorise the provision of regulated entertainment;”.

(3) For sub-paragraph (3) substitute—

“(3) For the purposes of this paragraph, premises are not licensed premises—

- (a) if there is in force in respect of the premises a premises licence which authorises regulated entertainment within paragraph 2(1) (a) or (b) of Schedule 1 to the Licensing Act 2003 (plays and films);
- (b) in relation to any occasion on which the premises are being used—
- (i) exclusively for the purposes of a club which holds a club premises certificate in respect of the premises, or
- (ii) for regulated entertainment of the kind mentioned in paragraph (a), in circumstances where that use is a permitted temporary activity by virtue of Part 5 of that Act;
- (c) in relation to any occasion on which a licence is in force in respect of the premises under the Gaming Act 1968 (c. 65) and the premises are being used wholly or mainly for the purposes of gaming to which Part 2 of that Act applies; or
- (d) in relation to any such other occasion as may be prescribed for the purposes of this sub-paragraph.”

(4) After sub-paragraph (5) insert—

“(6) Sub-paragraphs (2)(a) and (b) and (3)(a) and (b) are to be construed in accordance with the Licensing Act 2003.”

#### *Criminal Justice and Police Act 2001 (c. 16)*

119 The Criminal Justice and Police Act 2001 is amended as follows.

120 In section 1(1) (offences leading to penalties on the spot), at the end of the Table insert—

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“Section 149(4) of the Licensing Act 2003	Buying or attempting to buy alcohol for consumption on licensed premises, etc. by child”
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121 In section 12 (alcohol consumption in designated public place)—

- (a) in subsections (1) and (2), for “intoxicating liquor”, in each place it occurs, substitute “alcohol”, and
- (b) in subsection (2) for “such liquor” substitute “alcohol”.

122 In section 13 (designated public places), in subsection (2) for “intoxicating liquor” substitute “alcohol”.

123 (1) Section 14 (places which are not designated public places) is amended as follows.

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- (2) In subsection (1)—
- (a) for paragraphs (a) to (d) substitute—
    - “(a) premises in respect of which a premises licence or club premises certificate, within the meaning of the Licensing Act 2003, has effect;
    - (b) a place within the curtilage of premises within paragraph (a);
    - (c) premises which by virtue of Part 5 of the Licensing Act 2003 may for the time being be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the last 20 minutes;”, and
  - (b) in paragraph (e), for “intoxicating liquor” substitute “alcohol”.
- (3) Omit subsection (2).
- 124 In section 15(1)(a) (byelaw prohibiting consumption of alcohol), for “intoxicating liquor” substitute “alcohol”.
- 125 In section 16(1) (interpretation of sections 12 to 15)—
- (a) before the definition of “designated public place” insert—
    - ““alcohol” has the same meaning as in the Licensing Act 2003;”,
  - (b) omit the definition of “intoxicating liquor”, and the word “and” immediately following it, and
  - (c) after the definition of “public place” insert “; and
    - “supply of alcohol” has the meaning given by section 14 of the Licensing Act 2003”.
- 126 In each of the following provisions, for “unlicensed sale of intoxicating liquor” substitute “unauthorised sale of alcohol”—
- (a) section 19(1) and (2) (service of closure notice by constable or local authority),
  - (b) section 20(3)(a) (no application for closure order where unauthorised sale of alcohol has ceased),
  - (c) section 21(1)(b) and (2)(b) (closure order),
  - (d) section 27(6) (fixing notice on premises where personal service cannot be effected).
- 127 In section 28 (interpretation of provisions relating to closure of unlicensed premises)
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- (a) before the definition of “closure notice” insert—
    - ““alcohol” has the same meaning as in the Licensing Act 2003;”,
  - (b) omit the definition of “intoxicating liquor”, and
  - (c) for the definition of “unlicensed sale” substitute—
    - ““unauthorised sale”, in relation to any alcohol, means any supply of the alcohol (within the meaning of section 14 of the Licensing Act 2003) which—
    - (a) is a licensable activity within the meaning of that Act, but



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(b) is made otherwise than under and in accordance with an authorisation (within the meaning of section 136 of that Act).”

- 128 In Schedule 1 (powers of seizure)—  
(a) at the end of Part 1 insert—

*“Licensing Act 2003*

74. The power of seizure conferred by section 90 of the Licensing Act 2003 (seizure of documents relating to club).”, and

- (b) at the end of Part 3 insert—

*“Licensing Act 2003*

110. The power of seizure conferred by section 90 of the Licensing Act 2003 (seizure of documents relating to club).”