Draft Order laid before Parliament under section 14(1) of the Legislative and Regulatory Reform Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No.

LICENCES AND LICENSING, ENGLAND AND WALES

The Legislative Reform (Entertainment Licensing) Order 2014

Made - - - -	*2014*
Coming into force - -	*6th April 2015*

The Secretary of State for Culture, Media and Sport ("the Secretary of State"), in exercise of the powers conferred by section 1 of the Legislative and Regulatory Reform Act 2006(**1**), makes the following Order.

The Secretary of State considers that the conditions in section 3(2) of that Act are satisfied.

The Secretary of State has consulted in accordance with section 13 of that Act, and has laid a draft Order and explanatory document before Parliament in accordance with section 14 of that Act.

Pursuant to section 15(1)(b) of that Act, the affirmative resolution procedure (within the meaning of section 17 of that Act) applies in relation to the making of this Order.

In accordance with section 17(2) of that Act, the draft has been approved by a resolution of each House of Parliament after the expiry of the 40-day period referred to in that provision.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Legislative Reform (Entertainment Licensing) Order 2014 and comes into force on 6th April 2015.

(2) In this Order, "the Act" means the Licensing Act 2003(**2**).

Amendments to section 177A of the Licensing Act 2003

2.—(1) Section 177A of the Act (licence review for live music)(**3**) is amended as follows.

(2) In the heading, after "live" insert "and recorded".

(3) For subsection (1) substitute—

(**1**) 2006 c. 51; see section 32 for the definition of "Minister of the Crown".
(**2**) 2003 c. 17.
(**3**) Section 177A was inserted by the Live Music Act 2012 (c. 2), section 1(2).

"(1) Subsection (2) applies where—

(a) music takes place on premises which are authorised by a premises licence or club premises certificate to be used for the supply of alcohol for consumption on the premises,

(b) at the time of the music, the premises are open for the purposes of being used for the supply of alcohol for consumption on the premises,

(c) if the music is amplified, it takes place in the presence of an audience of no more than 500 persons, and

(d) the music takes place between 8am and 11pm on the same day (or, where an order under section 172 has effect in relation to music, during any times specified under that order).".

(4) In subsection (2) for "does not have effect in relation to the live music,", substitute ", recorded music or both does not have effect in relation to the music".

(5) In subsection (4) omit "live" in each place it occurs.

(6) After subsection (4) insert—

"(4A) This section does not apply to music which, by virtue of a provision other than paragraph 12A or 12C of Schedule 1(**4**), is not regarded as the provision of regulated entertainment for the purposes of this Act.".

(7) In subsection (5), after the definition of "live music" insert—

""music" means live music or recorded music or both;

"recorded music" means entertainment of a description falling within, or of a similar description to that falling within, paragraph 2(1)(f) of Schedule 1; and".

Amendments to Part 2 of Schedule 1 to the Licensing Act 2003

3.—(1) Part 2 of Schedule 1 to the Act (provision of regulated entertainment: exemptions) is amended as follows.

(2) In paragraph 7(**5**)—

(a) in the heading, after "Music" insert "and film"; and

(b) for "or the playing of recorded music" substitute ", the playing of recorded music or the exhibition of a film".

(3) After paragraph 12, insert—

"**Entertainment provided by health care providers, local authorities and school proprietors**

12ZA.—(1) The provision of any entertainment by or on behalf of a health care provider, local authority or school proprietor is not to be regarded as the provision of regulated entertainment for the purposes of this Act if the conditions in sub-paragraphs (2) to (5) are satisfied.

(2) The first condition is that the entertainment takes place—

(a) if it is provided by or on behalf of a health care provider, on any premises forming part of a hospital—

(i) in which that provider has a relevant property interest, or

(**4**) Paragraphs 12A and 12C of Schedule 1 were added by the Live Music Act 2012 (c. 2), section 3(1), (3) and (5).
(**5**) Paragraph 7 was substituted by the Live Music Act 2012 (c. 2), section 2(1) and (9).

(ii) which are lawfully occupied by that provider,

(b) if it is provided by or on behalf of a local authority, on any premises in which that authority has a relevant property interest or which are lawfully occupied by that authority, and

(c) if it is provided by or on behalf of a school proprietor, on the premises of the school.

(3) The second condition is that the premises are not domestic premises.

(4) The third condition is that the entertainment takes place between 8am and 11pm on the same day (or, where an order under section 172 has effect in relation to that entertainment, during any times specified under that order).

(5) The fourth condition is that the entertainment is not relevant entertainment within the meaning of paragraph 2A(2) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982(**6**) (meaning of "sexual entertainment venue").

(6) For the purposes of this paragraph, a person has a relevant property interest in premises if that person—

(a) is for the time being entitled to dispose of the fee simple in the premises, whether in possession or in reversion, or

(b) holds or is entitled to the rents and profits of the premises under a lease which (when granted) was for a term of not less than 3 years.

(7) In sub-paragraph (3), "domestic premises" means premises occupied as a private dwelling, including any garden, yard, garage, outhouse or other appurtenance of such premises whether or not used in common by the occupants of more than one such dwelling.

Music at community premises etc.

12ZB.—(1) The provision of entertainment consisting of one or both of the following is not to be regarded as the provision of regulated entertainment for the purposes of this Act if the conditions in sub-paragraphs (2) to (6) are satisfied—

(a) a performance of live music;

(b) the playing of recorded music.

(2) The first condition is that the entertainment takes place at—

(a) community premises(**7**) that are not authorised, by a premises licence or club premises certificate, to be used for the supply of alcohol for consumption on the premises,

(b) the premises of a hospital,

(c) premises in which a local authority has a relevant property interest or which are lawfully occupied by a local authority, or

(d) the premises of a school.

(3) The second condition is that the premises are not domestic premises (within the meaning of paragraph 12ZA(7)).

(4) The third condition is that the entertainment takes place in the presence of an audience of no more than 500 persons.

(**6**) 1982 c. 30; paragraph 2A was added by the Policing and Crime Act 2009 (c. 26), section 27(1) and (3).
(**7**) The definition of "community premises" was added to section 193 of the Act by the Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls &c.) Order 2009 (S.I. 2009/1724), articles 2 and 6(1)(a).

(5) The fourth condition is that the entertainment takes place between 8am and 11pm on the same day (or, where an order under section 172 has effect in relation to that entertainment, during any times specified under that order).

(6) The fifth condition is that a person concerned in the organisation or management of the entertainment has obtained the prior written consent of a relevant person for the entertainment to take place.

(7) In sub-paragraph (6), "relevant person" means—

(a) where the entertainment takes place at community premises—

(i) the management committee(**8**) of the premises, or

(ii) if there is no management committee, a person who has control of the premises (as occupier or otherwise) in connection with the carrying on by that person of a trade, business or other undertaking (for profit or not) or (in the absence of such a person) a person with a relevant property interest in the premises;

(b) where the entertainment takes place at the premises of a hospital, a health care provider which has a relevant property interest in or lawfully occupies those premises;

(c) where the entertainment takes place at premises in which a local authority has a relevant property interest or which are lawfully occupied by a local authority, that authority;

(d) where the entertainment takes place at the premises of a school, the school proprietor.

(8) Paragraph 12ZA(6) (meaning of "relevant property interest") applies for the purposes of this paragraph as it applies for the purposes of paragraph 12ZA.".

(4) For paragraph 12A (live music in licensed venues)(**9**) substitute—

"**Music in licensed venues**

12A.—(1) The provision of entertainment consisting of one or both of the following is not to be regarded as the provision of regulated entertainment for the purposes of this Act if the conditions in sub-paragraph (2) are satisfied—

(a) a performance of live music;

(b) the playing of recorded music.

(2) The conditions referred to in sub-paragraph (1) are that—

(a) the requirements of section 177A(1) are satisfied, and

(b) conditions are not included in the premises licence or club premises certificate referred to in section 177A(1)(a) by virtue of section 177A(3) or (4).(**10**)

(5) In paragraph 12B(b) (live music in workplaces)(**11**) for "200" substitute "500".

(6) After paragraph 12C (live unamplified music)(**12**) insert—

"**Circuses**

12D.—(1) The provision of any entertainment that consists of or forms part of a performance by a travelling circus is not to be regarded as the provision of regulated

(**8**) The definition of "management committee" was added to section 193 of the Act by the Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls &c.) Order 2009 (S.I. 2009/1724), articles 2 and 6(1)(b).
(**9**) Paragraph 12A was added by the Live Music Act 2012 (c. 2), section 3(3).
(**10**) Section 177A was added by the Live Music Act 2012, section 1(2).
(**11**) Paragraph 12B was added by the Live Music Act 2012, section 3(1) and (4).
(**12**) Paragraph 12C was added by the Live Music Act 2012, section 3(1) and (5).