Draft Order laid before Parliament under section 197(4) of the Licensing Act 2003, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2013 No.

LICENCES AND LICENSING, ENGLAND AND WALES

The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013

Made - - - - 2013

Coming into force in accordance with article 1

The Secretary of State, in exercise of the powers conferred by section 197(2) of, and paragraph 4 of Schedule 1 to, the Licensing Act 2003(**1**), makes the following Order.

In accordance with section 197(4) of that Act, a draft of this instrument was laid before Parliament and approved by resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013, and comes into force the day after the day on which it is made.

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

Amendment to descriptions of entertainment

2.—(1) Paragraph 2 of Schedule 1 to the 2003 Act (descriptions of entertainment) is amended as follows.

(2) In sub-paragraph (1), for the words from "the entertainment takes place" to the end substitute "the following conditions are satisfied (so far as relevant)".

(3) After that sub-paragraph insert—

"(1A) The first condition is that the entertainment—

(a) takes place in the presence of an audience, and

(b) is provided for the purpose, or for purposes which include the purpose, of entertaining that audience.

(**1**) 2003 c.17; paragraph 4 of Schedule 1 was amended by section 2(8) of the Live Music Act 2012 (c.2).

(1B) The second condition is relevant only to a performance of a play, and is that one or more of the following applies—

(a) the audience consists of more than 500 persons;

(b) the entertainment takes place before 8am on any day;

(c) the entertainment takes place after 11pm on any day.

(1C) The third condition is relevant only to an indoor sporting event, and is that one or more of the following applies—

(a) the audience consists of more than 1000 persons;

(b) the entertainment takes place before 8am on any day;

(c) the entertainment takes place after 11pm on any day.

(1D) The fourth condition is relevant only to a performance of dance, and is that one or more of the following applies—

(a) the audience consists of more than 500 persons;

(b) the entertainment takes place before 8am on any day;

(c) the entertainment takes place after 11pm on any day;

(d) the entertainment is relevant entertainment within the meaning of paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (meaning of "sexual entertainment venue").

(1E) So much of any entertainment of a description specified in paragraphs (a) to (h) of sub-paragraph (1) as does not satisfy the conditions in sub-paragraphs (1A) to (1D) (so far as relevant) is not to be regarded as falling within sub-paragraph (1)."(**2**)

(4) In sub-paragraph (2), for "in sub-paragraph (1)" substitute "in this paragraph".

Amendment to definition of sporting event

3. In the definition of "sporting event" in paragraph 16(2) of Schedule 1 to the 2003 Act, after "sport" insert "other than a boxing or wrestling entertainment".

Amendment to definition of boxing or wrestling entertainment

4. In paragraph 17 of Schedule 1 to the 2003 Act, after "wrestling" (in the second place it occurs) insert ", or which combines boxing or wrestling with one or more martial arts".

Transitional provisions

5.—(1) Paragraph (2) applies where (and to the extent that), immediately before this Order comes into force, a premises licence or club premises certificate authorised as an indoor sporting event the provision on or from specified premises of a boxing or wrestling entertainment or a contest, exhibition or display which combines boxing or wrestling with one or more martial arts.

(2) After this Order comes into force—

(a) such a licence or certificate will be treated as authorising that contest, exhibition or display as a boxing or wrestling entertainment; and

(b) any condition of that licence or certificate which relates to the provision of such a contest, exhibition or display on or from those premises continues to apply.

(**2**) 1982 c. 30; paragraph 2A was added by section 27(1) and (3) of the Policing and Crime Act 2009 (c. 26).