Draft Order laid before Parliament under section 4(2) of the Regulatory Reform Act 2001 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2001 No.

REGULATORY REFORM

The Regulatory Reform (Special Occasions Licensing) Order 2001

Made - - - -	*2001*
Coming into force - -	*2001*

Whereas:

(a) the Secretary of State is of the opinion that this Order does not remove any necessary protection or prevent any person from continuing to exercise any right or freedom which he might reasonably expect to continue to exercise;

(b) this Order creates burdens affecting persons in the carrying on of certain activities, and the Secretary of State is of the opinion that the provisions of this Order, taken as a whole, strike a fair balance between the public interest and the interests of the persons affected by the burdens being created, and that the extent to which this Order removes or reduces burdens or has other beneficial effects for persons affected by the burdens imposed by the existing law makes it desirable for this Order to be made;

(c) the Secretary of State has consulted such organisations as appear to the Secretary of State to be representative of interests substantially affected by the Secretary of State's proposals, statutory bodies whose functions are related to those proposals, organisations representative of such bodies, the National Assembly for Wales and such other persons as the Secretary of State considers appropriate;

(d) it appears to the Secretary of State that it is appropriate, following that consultation, to proceed with the making of this Order;

(e) a document setting out the Secretary of State's proposals has been laid before Parliament as required by section 6 of the Regulatory Reform Act 2001(**1**) and the period for Parliamentary consideration under section 8 of that Act has expired;

(f) the Secretary of State has had regard to the representations made during that period;

(g) a draft of this Order has been laid before Parliament with a statement giving details of those representations and the changes to the Secretary of State's proposals in the light of them; and

(h) a draft of this Order has been approved by resolution of each House of Parliament:

(**1**) 2001 c. 6.

Now, therefore, the Secretary of State, in exercise of the powers conferred upon her by section 1 of the Regulatory Reform Act 2001, hereby makes the following Order:

Citation, commencement, extent and interpretation

1.—(1) This Order may be cited as the Regulatory Reform (Special Occasions Licensing) Order 2001 and shall come into force on the day after the day on which it is made.

(2) This Order extends to England and Wales.

(3) In this Order expressions used in the Licensing Act 1964(**2**) have the same meaning as in that Act.

Amendments to the Licensing Act 1964

2.—(1) The Licensing Act 1964 is amended as follows.

(2) In section 60(1)(**3**), after "Act" insert "and the Regulatory Reform (Special Occasions Licensing) Order 2001".

(3) In section 60(1)(a) for "or Good Friday" substitute ", Good Friday or New Year's Eve, or 3rd June 2002".

(4) In section 60(1)(b)—

(a) after "Christmas Day" insert "or New Year's Eve" and

(b) after "evening" omit "and".

(5) At the end of section 60(1)(c) insert "and

(d) on any New Year's Eve and on 3rd June 2002, the hours set out in article 3 of the Regulatory Reform (Special Occasions Licensing) Order 2001".

(6) Omit section 83A and Schedule 8B(**4**).

(7) In section 156 (permitted hours in licensed canteens(**5**), for subsection (4) substitute—

"(4) Article 4 of the Regulatory Reform (Special Occasions Licensing) Order 2001 shall apply in relation to a licensed canteen as it applies in relation to premises in which a justices' on-licence is in force."

(8) In section 156A (restriction orders in respect of licensed canteens(**6**), for "and paragraphs 2 to 5 of Schedule 8B to this Act" substitute "this Act and articles 5 to 7 of the Regulatory Reform (Special Occasions Licensing) Order 2001".

Permitted Hours on New Year's Eve and on 3rd June 2002

3.—(1) Subject to the provisions of the Licensing Act 1964 and of this Order, the permitted hours in licensed premises shall, for the purposes of that Act, be—

(a) on New Year's Eve, except a Sunday, and on 3rd June 2002, the hours from eleven in the morning to eleven in the evening; and

(b) on New Year's Eve on a Sunday, the hours from twelve noon to half past ten in the evening.

(**2**) 1964 c. 26.
(**3**) Section 60 was amended by the Licensing Act 1988 (c. 17) and by the Licensing (Sunday Hours) Act 1995 (c. 33).
(**4**) Section 83A and Schedule 8B were inserted by S.I.1999/2137.
(**5**) Section 156 was amended by S.I. 1999/2137.
(**6**) Section 156A was inserted by the Licensing Act 1988 (c. 17) and amended by S.I. 1999/2137.

(2) Section 60(4) and (5) of the 1964 Act applies if—

(a) the references to section 60(1)(a) included in a reference to paragraph (1)(a) of this article; and

(b) the reference to section 60(1)(b) included a reference to paragraph (1)(b) of this article.

Special Occasions licensing hours

4.—(1) The Special Occasions licensing hours shall (subject to any Special Occasions restriction order) be added to the permitted hours in—

(a) licensed premises, other than premises licensed for the sale of intoxicating liquor for consumption off the premises only; and

(b) premises in respect of which a club is registered.

(2) The Special Occasions licensing hours are the period between—

(a) the end of the permitted hours in the premises on 31st December 2001; and

(b) the beginning of the permitted hours in the premises on the following day (or, if there are no permitted hours in the premises on that day, midnight on 31st December 2001).

(3) If there are no permitted hours in the premises on 31st December 2001, there are no Special Occasions licensing hours in those premises.

(4) In determining for the purposes of paragraph (2) above when any permitted hours end or begin, this article and any Special Occasions restriction order shall be disregarded (but anything which for the time being adds to or restricts the permitted hours by virtue of any other provision of the Licensing Act 1964, including section 68 or 70, shall be taken into account).

(5) Hours which—

(a) are comprised in the permitted hours for limited purposes by virtue of section 68 or 70 of the Licensing Act 1964; and

(b) fall immediately before hours added by virtue of paragraph (1) above,

shall be added to the permitted hours for all purposes.

(6) No special order of exemption shall be made to add to the permitted hours in any premises any hours which would otherwise be comprised in the Special Occasions licensing hours for those premises.

(7) Where the permitted hours are different in different parts of the same premises, each such part shall be treated as separate premises for the purposes of this article.

Special Occasions restriction orders

5.—(1) An order under this article (referred to in this Order as a "Special Occasions restriction order") may be made with respect to—

(a) any licensed premises or part of licensed premises, other than premises licensed for the sale of intoxicating liquor for consumption off the premises only; and

(b) any premises in respect of which a club is registered.

(2) Where a Special Occasions restriction order is in force with respect to any premises or part of any premises, the period added by article 4(1) above to the permitted hours in those premises or that part shall not include any time specified in the order.

(3) A Special Occasions restriction order may specify all or any part of the Special Occasions licensing hours.

(4) The power to make a Special Occasions restriction order shall be exercisable—