

2005 No. 2090 (C.91)

LICENCES AND LICENSING

The Licensing Act 2003 (Commencement No. 6) Order 2005

Made - - - -

27th July 2005

The Secretary of State, in exercise of the powers conferred upon her by section 201(2) of the Licensing Act 2003 (a), hereby makes the following Order:

Citation and interpretation

- 1.—(1) This Order may be cited as the Licensing Act 2003 (Commencement No.6) Order 2005.
 (2) In this Order, “the Act” means the Licensing Act 2003.

Commencement

2. The provisions of the Act specified in the Schedule to this Order, in so far as they are not already into force, shall come into force on 7th August 2005.

SCHEDULE

Article 2

PROVISION AND EXTENT	SUBJECT MATTER
Section 34	Application to vary premises licence
Section 35	Determination of application under section 34
Section 36	Supplementary provision about determinations under section 35
Section 37	Application to vary licence to specify individual as premises supervisor
Section 38	Circumstances in which section 37 application given interim effect
Section 39	Determination of section 37 application
Section 40	Duty of applicant following determination under section 39
Section 42	Application for transfer of premises licence
Section 43(1), (2), (3) (apart from the reference to subsection (4)), (5) and (6)	Circumstances in which transfer application given interim effect
Section 44	Determination of transfer application
Section 45	Notification of determination under section 44
Section 46	Duty to notify designated premises supervisor of transfer
Section 84	Application to vary club premises certificate

(a) 2003 c. 17. For the definition of “order” see section 193 of the Act.

Section 85
Section 86

Section 181, in so far as it relates to the provisions of Schedule 5 specified below
Schedule 5 paragraph 1 (the remaining provisions), 4, 5, 6, 9, 10(b) and 12

Determination of application under section 84
Supplementary provision about application under section 84

Appeals against decisions of licensing authorities
Appeals

27th July 2005

James Purnell
Parliamentary Under Secretary of State
Department for Culture, Media and Sport

EXPLANATORY NOTE

(This note is not part of the Order)

This is the sixth Commencement Order made by the Secretary of State under the Licensing Act 2003 (“the Act”). This Order brings into force provisions in respect of the variation of premises licences (sections 34 to 40), the transfer of premises licences (sections 42 to 46, except section 43(4)), the variation of club premises certificates (sections 84 to 86) and related appeals (Schedule 5, paragraph 1 (b) and (c), 4, 5, 6, 9, 10(b) and 12). These provisions, so far as they are not already in force, come into force on 7th August 2005.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s.199 of and Sch.7 to the Act, so far as it relates to s.66 (Sunday closing in Wales and Monmouthshire) and s.67 (supplementary provisions for Welsh Sunday polls) of and Sch.8 (polls in Wales and Monmouthshire) to the Licensing Act 1964	16.07.03	2003/1911
s.155 and s.199 in so far as it relates to entries in Sch.7 to the Act relating to the Confiscation of Alcohol (Young Persons) Act 1977 and section 12 of the Criminal Justice and Police Act 2001	10.09.03	2003/2100
ss. 1, 3 to 5, 8, 9(2), 13(2) (f) and (4)(i), 16(1)(i), 17(3)(b), (c), (4) and (5), 24, 29(6), 30, 31(6)(a), 34(5), 37(3)(a), 47(2)(a), 51(3), 54, 55, 58(1)(c), 69(2)(f), and (4)(i), 71(4)(b), (5) and (6), 78, 84(4), 87(3), 91, 92, 95(1)(c), 100(4), (5)(f), (7)(b) and (8), 102(2), 107(7) and (12), 110(3), 113(2), 120(2)(b), 125(4), 133, 167(4), 173(1)(h), (3) and (5), 176(3), 178(1)(b) and (4)(d), 182, 183(1), 187(7), 191 to 194, 197, 198(2), 200 (partially), Schs.1 to 3 and Sch.8 (partially)	16.12.03	2003/3222
Paragraph 34 of Sch.8 to the Act and s.200 in so far as it relates to it	07.07.04	2004/1738
ss.6 and 9(1) and (3)	10.09.04	2004/2360
s. 7, 10 to 23, 25, 29, 31 to 33, 34 to 37 (each section partially), 39 (partially), 59 (partially) to 66, 68 to 77, 79, 82, 83, 84 to 86 (each section partially), 90, 96 (partially), 111 to 118, 120, 122 to 135, 158, 178, 181 (partially), 183(2), 184-190, 195, 200 (partially), Sch.4, Sch.5 (partially), Sch.8 (partially)	07.02.05	2004/2360

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