



Licensing Act 2003

2003 CHAPTER 17

An Act to make provision about the regulation of the sale and supply of alcohol, the provision of entertainment and the provision of late night refreshment, about offences relating to alcohol and for connected purposes.

[10th July 2003]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Modifications etc. (not altering text)

- C1** Act modified (coming into force in accordance with art. 1(2) of the amending S.I.) by S.I. 2007/1118, art. 6
- C2** Act modified (28.11.2008) by S.I. 2008/2867, reg. 12(1)(a)(ii)
- C3** Act modified (26.11.2018) by The Local Government (Boundary Changes) Regulations 2018 (S.I. 2018/1128), reg. 18(2)(a)(7) (with reg. 1(2)(3))

PART 1

LICENSABLE ACTIVITIES

1 Licensable activities and qualifying club activities

(1) For the purposes of this Act the following are licensable activities—

- (a) the sale by retail of alcohol,
- (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club,
- (c) the provision of regulated entertainment, and
- (d) the provision of late night refreshment.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Licensing Act 2003 is up to date with all changes known to be in force on or before 20 January 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (2) For those purposes the following licensable activities are also qualifying club activities—
- (a) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club,
 - (b) the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place, and
 - (c) the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests.
- (3) In this Act references to the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club do not include a reference to any supply which is a sale by retail of alcohol.
- (4) Schedule 1 makes provision about what constitutes the provision of regulated entertainment for the purposes of this Act.
- (5) Schedule 2 makes provision about what constitutes the provision of late night refreshment for those purposes (including provision that certain activities carried on in relation to certain clubs or hotels etc, or certain employees, do not constitute provision of late night refreshment and are, accordingly, not licensable activities).
- (6) For the purposes of this Act premises are “used” for a licensable activity if that activity is carried on on or from the premises.
- (7) This section is subject to sections 173 to 175 (which exclude activities from the definition of licensable activity in certain circumstances).

2 Authorisation for licensable activities and qualifying club activities

- (1) A licensable activity may be carried on—
- (a) under and in accordance with a premises licence (see Part 3), or
 - (b) in circumstances where the activity is a permitted temporary activity by virtue of Part 5.
- (2) A qualifying club activity may be carried on under and in accordance with a club premises certificate (see Part 4).
- (3) Nothing in this Act prevents two or more authorisations having effect concurrently in respect of the whole or a part of the same premises or in respect of the same person.
- (4) For the purposes of subsection (3) “authorisation” means—
- (a) a premises licence;
 - (b) a club premises certificate;
 - (c) a temporary event notice.

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PART 2

LICENSING AUTHORITIES

The authorities

3 Licensing authorities

- (1) In this Act “licensing authority” means—
- (a) the council of a district in England,
 - (b) the council of a county in England in which there are no district councils,
 - (c) the council of a county or county borough in Wales,
 - (d) the council of a London borough,
 - (e) the Common Council of the City of London,
 - (f) the Sub-Treasurer of the Inner Temple,
 - (g) the Under-Treasurer of the Middle Temple, or
 - (h) the Council of the Isles of Scilly.
- (2) For the purposes of this Act, a licensing authority’s area is the area for which the authority acts.

Functions of licensing authorities etc.

4 General duties of licensing authorities

- (1) A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives.
- (2) The licensing objectives are—
- (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm.
- (3) In carrying out its licensing functions, a licensing authority must also have regard to—
- (a) its licensing statement published under section 5, and
 - (b) any guidance issued by the Secretary of State under section 182.

5 Statement of licensing policy

- (1) Each licensing authority must in respect of each [^{F1}five] year period—
- (a) determine its policy with respect to the exercise of its licensing functions, and
 - (b) publish a statement of that policy ^{F2}... before the beginning of the period.
- ^{F3}(2)
- (3) Before determining its policy for a [^{F4}five] year period, a licensing authority must consult—
- (a) the chief officer of police for the licensing authority’s area,
 - (b) the [^{F5}fire and rescue authority] for that area,

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Modifications etc. (not altering text)

- C8** S. 10 applied (with modifications) (21.5.2007) by Gambling Act 2005 (c. 19), ss. 154(3)(4), 358 (with ss. 352, 354); S.I. 2006/3272, art. 2(2), Sch. 2 (with savings and transitional provisions in Sch. 4) (as amended by S.I. 2007/1157)
- C9** S. 10 applied (with modifications) (1.12.2007) by Gambling Act 2005 (c. 19), ss. 232(2)(3), 358 (with ss. 352, 354); S.I. 2007/3155, art. 2

PART 3

PREMISES LICENCES

Introductory

11 Premises licence

In this Act “premises licence” means a licence granted under this Part, in respect of any premises, which authorises the premises to be used for one or more licensable activities.

12 The relevant licensing authority

- (1) For the purposes of this Part the “relevant licensing authority” in relation to any premises is determined in accordance with this section.
- (2) Subject to subsection (3), the relevant licensing authority is the authority in whose area the premises are situated.
- (3) Where the premises are situated in the areas of two or more licensing authorities, the relevant licensing authority is—
- (a) the licensing authority in whose area the greater or greatest part of the premises is situated, or
 - (b) if there is no authority to which paragraph (a) applies, such one of those authorities as is nominated in accordance with subsection (4).
- (4) In a case within subsection (3)(b)—
- (a) an applicant for a premises licence must nominate one of the licensing authorities as the relevant licensing authority in relation to the application and any licence granted as a result of it, and
 - (b) an applicant for a statement under section 29 (provisional statement) in respect of the premises must nominate one of the licensing authorities as the relevant licensing authority in relation to the statement.

13 Authorised persons^{F23} ... and responsible authorities

- (1) In this Part in relation to any premises each of the following expressions has the meaning given to it by this section—
- “authorised person”,
 - ^{F24}
 - “responsible authority”.

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- (2) “Authorised person” means any of the following—
- (a) an officer of a licensing authority in whose area the premises are situated who is authorised by that authority for the purposes of this Act,
 - [^{F25}(b) an inspector appointed by the fire and rescue authority for the area in which the premises are situated.]
 - (c) an inspector appointed under section 19 of the Health and Safety at Work etc. Act 1974 (c. 37),
 - (d) an officer of a local authority, in whose area the premises are situated, who is authorised by that authority for the purposes of exercising one or more of its statutory functions in relation to minimising or preventing the risk of pollution of the environment or of harm to human health,
 - (e) in relation to a vessel, an inspector, or a surveyor of ships, appointed under section 256 of the Merchant Shipping Act 1995 (c. 21),
 - (f) a person prescribed for the purposes of this subsection.
- ^{F26}(3)
- (4) “Responsible authority” means any of the following—
- [^{F27}(za) the relevant licensing authority and any other licensing authority in whose area part of the premises is situated,]
 - (a) the chief officer of police for any police area in which the premises are situated,
 - (b) the [^{F28}fire and rescue authority] for any area in which the premises are situated,
 - [^{F29}(ba) the ^{F30}... Local Health Board for any area in which the premises are situated,]
 - [^{F31}(bb) the local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of any area in which the premises are situated,]
 - (c) the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974 for any area in which the premises are situated,
 - (d) the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c. 8) for any area in which the premises are situated,
 - (e) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health,
 - (f) a body which—
 - (i) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and
 - (ii) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters,
 - ^{F32}(g)
 - (h) in relation to a vessel—
 - (i) a navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c. 57) having functions in relation to the waters where the vessel is usually moored or berthed or any waters

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where it is, or is proposed to be, navigated at a time when it is used for licensable activities,

- (ii) the Environment Agency,
 - (iii) [^{F33}Canal & River Trust], or
 - (iv) the Secretary of State,
- [^{F34}(ha) where the premises (not being a vessel) are being, or are proposed to be, used for a licensable activity within section 1(1)(a) or (d), the Secretary of State,]
- (i) a person prescribed for the purposes of this subsection.

(5) For the purposes of this section, “statutory function” means a function conferred by or under any enactment.

Textual Amendments

- F23** Words in s. 13 title omitted (25.4.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), ss. **105(2)(a)**, 157(1) (with s. 105(11)); S.I. 2012/1129, art. 2(d)
- F24** Words in s. 13(1) omitted (25.4.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), ss. **105(2)(b)**, 157(1) (with s. 105(11)); S.I. 2012/1129, art. 2(d)
- F25** S. 13(2)(b) substituted (1.4.2006) by The Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541), art. 53(1), **Sch. 2 para. 50(2)** (with art. 49)
- F26** S. 13(3) omitted (25.4.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), ss. **105(2)(c)**, 157(1) (with s. 105(11)); S.I. 2012/1129, art. 2(d)
- F27** S. 13(4)(za) inserted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. **103(2)(a)**, 157(1) (with s. 103(4)); S.I. 2012/1129, art. 2(d)
- F28** Words in s. 13(4)(b) substituted (7.9.2004 for E. for certain purposes and 1.10.2004 otherwise and 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), ss. 53, 61, **Sch. 1 para. 98(2)(3)(b)**; S.I. 2004/2304, art. **2(1){(2)}**; S.I. 2004/2917, art. **2**
- F29** S. 13(4)(ba) inserted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. **104(3)**, 157(1) (with s. 104(5)); S.I. 2012/1129, art. 2(d)
- F30** Words in s. 13(4)(ba) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 113(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F31** S. 13(4)(bb) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 113(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F32** S. 13(4)(g) omitted (25.4.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), ss. **103(2)(b)**, 157(1) (with s. 103(4)); S.I. 2012/1129, art. 2(d)
- F33** Words in s. 13(4)(h)(iii) substituted (2.7.2012) by The British Waterways Board (Transfer of Functions) Order 2012 (S.I. 2012/1659), art. 1(2), **Sch. 3 para. 16(2)** (with arts. 4-6)
- F34** S. 13(4)(ha) inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 3** (with Sch. 4 para. 33); S.I. 2017/380, reg. 2(b)

Commencement Information

- I2** S. 13(2)(f)(4)(i) in force at 16.12.2003 by S.I. 2003/3222, art. 2, Sch. and s. 13 in force otherwise at 7.2.2005 by S.I. 2004/2360, art. 2, Sch.

14 Meaning of “supply of alcohol”

For the purposes of this Part the “supply of alcohol” means—

- (a) the sale by retail of alcohol, or
- (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

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- F38** Word in s. 16(2) omitted (6.4.2017) by virtue of Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 4(3)** (with Sch. 4 para. 33); S.I. 2017/380, reg. 2(b)
- F39** S. 16(2A) inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 4(4)** (with Sch. 4 para. 33); S.I. 2017/380, reg. 2(b)
- F40** Words in s. 16(3) repealed (14.3.2012) by Charities Act 2011 (c. 25), s. 355, Sch. 7 para. 95, **Sch. 10** (with s. 20(2), Sch. 8)
- F41** Words in s. 16(3) omitted (1.8.2019) by virtue of The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, **10(a)(i)**
- F42** Word in s. 16(3) omitted (1.8.2019) by virtue of The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, **10(a)(ii)**
- F43** Words in s. 16(3) inserted (1.8.2019) by The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, **10(b)**
- F44** Words in s. 16(3) inserted (1.8.2019) by The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, **10(c)**
- F45** S. 16(3): words in definition of "health service body" substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8(2), **Sch. 1 para. 236** (with Sch. 3)
- F46** Words in s. 16(3) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 114**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F47** Words in s. 16(3) substituted (1.10.2010) by The Health and Social Care Act 2008 (Consequential Amendments No.2) Order 2010 (S.I. 2010/813, **art. 12(b)**)
- F48** S. 16(4) inserted (1.10.2010) by The Health and Social Care Act 2008 (Consequential Amendments No.2) Order 2010 (S.I. 2010/813, **art. 12(c)**)

Commencement Information

- I3** S. 16(1)(i) in force at 16.12.2003 by S.I. 2003/3222, **art. 2**, Sch. and s. 16 otherwise in force at 7.2.2005 by S.I. 2004/2360, **art. 2**, Sch.

17 Application for premises licence

- (1) An application for a premises licence must be made to the relevant licensing authority.
- (2) Subsection (1) is subject to regulations under—
 - (a) section 54 (form etc. of applications etc.);
 - (b) section 55 (fees to accompany applications etc.).
- (3) An application under this section must also be accompanied—
 - (a) by an operating schedule,
 - (b) by a plan of the premises to which the application relates, in the prescribed form, and
 - (c) if the licensable activities to which the application relates (“the relevant licensable activities”) include the supply of alcohol, by a form of consent in the prescribed form given by the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor.
- (4) An “operating schedule” is a document which is in the prescribed form and includes a statement of the following matters—
 - (a) the relevant licensable activities,
 - (b) the times during which it is proposed that the relevant licensable activities are to take place,
 - (c) any other times during which it is proposed that the premises are to be open to the public,

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- (d) where the applicant wishes the licence to have effect for a limited period, that period,
 - (e) where the relevant licensable activities include the supply of alcohol, prescribed information in respect of the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor,
 - (f) where the relevant licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises, or both,
 - (g) the steps which it is proposed to take to promote the licensing objectives,
 - (h) such other matters as may be prescribed.
- (5) The Secretary of State must by regulations—
- (a) require an applicant to advertise his application within the prescribed period—
 - (i) in the prescribed form, and
 - (ii) in a manner which is prescribed and is likely to bring the application to the attention of the i [^{F49}persons who live, or are involved in a business, in the relevant licensing authority's area and who are] likely to be affected by it;
 - [^{F50}(aa) require the relevant licensing authority to advertise the application within the prescribed period—
 - (i) in the prescribed form, and
 - (ii) in a manner which is prescribed and is likely to bring the application to the attention of the persons who are likely to be affected by it; and”, and]
 - (b) ^{F51}
 - (c) prescribe the period during which [^{F52}responsible authorities and other persons] may make representations to the relevant licensing authority about the application.
- [^{F53}(6) The Secretary of State may by regulations—
- (a) require an applicant to give notice of his application to each responsible authority, and such other persons as may be prescribed, within the prescribed period, and
 - (b) in a case where the application is made by means of a relevant electronic facility, require the relevant licensing authority to give notice of the application to such persons as may be prescribed, within the prescribed period.]

Textual Amendments

- F49** Words in s. 17(5)(a)(ii) substituted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. **105(3)(a)**, 157(1) (with s. 105(11)); S.I. 2012/1129, art. 2(d)
- F50** S. 17(5)(aa) inserted (22.3.2012 for specified purposes, 25.4.2012 in so far as not already in force) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. **105(3)(b)**, 157(1) (with s. 105(11)); S.I. 2012/896, art. 2(a); S.I. 2012/1129, art. 2(d)
- F51** S. 17(5)(b) omitted (28.12.2009) by virtue of The Provision of Services Regulations 2009 (S.I. 2009/2999), reg. **49(2)(a)** (with regs. 2, 5)
- F52** Words in s. 17(5)(c) substituted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. **105(3)(c)**, 157(1) (with s. 105(11)); S.I. 2012/1129, art. 2(d)
- F53** S. 17(6) inserted (28.12.2009) by The Provision of Services Regulations 2009 (S.I. 2009/2999), reg. **49(2)(b)** (with regs. 2, 5)

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PART 7

OFFENCES

Unauthorised licensable activities

136 Unauthorised licensable activities

- (1) A person commits an offence if—
 - (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
 - (b) he knowingly allows a licensable activity to be so carried on.
- (2) Where the licensable activity in question is the provision of regulated entertainment, a person does not commit an offence under this section if his only involvement in the provision of the entertainment is that he—
 - (a) performs in a play,
 - (b) participates as a sportsman in an indoor sporting event,
 - (c) boxes or wrestles in a boxing or wrestling entertainment,
 - (d) performs live music,
 - (e) plays recorded music,
 - (f) performs dance, or
 - (g) does something coming within paragraph 2(1)(h) of Schedule 1 (entertainment similar to music, dance, etc.).
- (3) Subsection (2) is to be construed in accordance with Part 3 of Schedule 1.
- (4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to [^{F348}a fine], or to both.
- (5) In this Part “authorisation” means—
 - (a) a premises licence,
 - (b) a club premises certificate, or
 - (c) a temporary event notice in respect of which the conditions of section 98(2) to (4) are satisfied.

Textual Amendments

F348 Words in s. 136(4) substituted (12.3.2015) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664), reg. 1(1), **Sch. 4 para. 33(2)** (with reg. 5(1))

137 Exposing alcohol for unauthorised sale

- (1) A person commits an offence if, on any premises, he exposes for sale by retail any alcohol in circumstances where the sale by retail of that alcohol on those premises would be an unauthorised licensable activity.
- (2) For that purpose a licensable activity is unauthorised unless it is under and in accordance with an authorisation.

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Appeals

181 Appeals against decisions of licensing authorities

- (1) Schedule 5 (which makes provision for appeals against decisions of licensing authorities) has effect.
- (2) On an appeal in accordance with that Schedule against a decision of a licensing authority, a magistrates' court may—
 - (a) dismiss the appeal,
 - (b) substitute for the decision appealed against any other decision which could have been made by the licensing authority, or
 - (c) remit the case to the licensing authority to dispose of it in accordance with the direction of the court,and may make such order as to costs as it thinks fit.

Commencement Information

- I36** S. 181 in force for certain purposes at 7.2.2005 and for certain further purposes at 7.8.2005 and 24.11.2005 otherwise by S.I. 2004/2360, art. 2, Sch.; S.I. 2005/2090, art. 2, Sch.; S.I. 2005/3056, art. 2 (with Sch.)

Guidance, hearings etc.

182 Guidance

- (1) The Secretary of State must issue guidance (“the licensing guidance”) to licensing authorities on the discharge of their functions under this Act.
- ^{F431}(2)
- (3) The Secretary of State may, from time to time, revise the licensing guidance.
- ^{F432}(4)
- ^{F432}(5)
- ^{F432}(6)
- (7) The Secretary of State must arrange for any guidance issued or revised under this section to be published in such manner as he considers appropriate.

Textual Amendments

- F431** S. 182(2) omitted (31.1.2017 for specified purposes, 6.4.2017 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), ss. 140, 183(1)(5)(e); S.I. 2017/399, reg. 3(f)
- F432** S. 182(4)-(6) omitted (31.1.2017 for specified purposes, 6.4.2017 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), ss. 140, 183(1)(5)(e); S.I. 2017/399, reg. 3(f)