

Statutory Document No. 2022/0289



*Liquor Licensing and Public Entertainments Act 2021*

# LIQUOR LICENSING AND PUBLIC ENTERTAINMENTS ACT 2021 (APPOINTED DAY) (NO.2) ORDER 2022

*Laid before Tynwald:*

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The Department of Home Affairs makes the following Order under sections 2 and 64(3) of the Liquor Licensing and Public Entertainments Act 2021.

## 1 Title

This Order is the Liquor Licensing and Public Entertainments Act 2021 (Appointed Day) (No.2) Order 2022.

## 2 Interpretation

In this Order —

“**1961 Act**” means the Music and Dancing Acts 1961 and 1971;

“**1995 Act**” means the Licensing Act 1995;

“**appointed day**” means the date specified in article 3(1);

“**designated official**” has the meaning given in the 1995 Act;

“**old charitable function licence**” means a charitable function licence granted under section 15 of the 1995 Act;

“**old club registration**” means the registration of a club under Part 4 of the 1995 Act;

“**old liquor licence**” means any of the following licences granted under section 6 of the 1995 Act —

- (a) an on-licence;
- (b) an off-licence;
- (c) a passenger vessel licence;

“**old music and dancing licence**” means a licence granted under section 6 of the 1961 Act;

“**old occasional licence for liquor**” means an occasional licence granted under section 14 of the 1995 Act;

“**old occasional licence for music and dancing**” means an occasional licence granted under section 10 of the 1961 Act;

“**old provisional licence**” means a provision licence granted under section 11 of the 1995 Act;

“**old temporary licence**” means a temporary licence granted under either section 13(1) or (2) of the 1995 Act;

“**old section 53 order**” means an order of the Licensing Court under section 53 of the 1995 Act; and

“**the Act**” means the Liquor Licensing and Public Entertainments Act 2021.

### 3 Commencement of provisions

- (1) The remaining provisions of the Act, in so far as they are not already in operation, come into operation on 12 December 2022, except for –
  - (a) section 18 (licences register);
  - (b) Schedule 1 (repeals) and section 64(1) (transitional provisions, amendments and repeals) to the extent that they repeal –
    - (i) section 33(1) of the 1995 Act (drunkenness etc on premises);
    - (ii) section 75(1) of the 1995 Act (public drunkenness); and
    - (iii) section 75(4) and the definition of “public place” in section 75(8) of the 1995 Act in so far as those provisions relate to section 75(1) of the 1995 Act.
- (2) Until Schedule 1 and section 64(1) of the Act are fully commenced –
  - (a) sections 33(1) and 75(1) of the 1995 Act shall be treated as if they are offences to which section 30(3) of the Act applies; and
  - (b) “licensed premises” in section 33(1) of the 1995 Act shall have the same meaning as in the Act.
- (3) This article is subject to articles 4 to 16.

### 4 Transitional arrangements - previously unlicensed activities

- (1) This article applies if –
  - (a) a person is immediately before the appointed day engaged in the sale or supply of liquor that is brewed or distilled on the premises for consumption off the premises; and
  - (b) such activity does not require a licence under the 1995 Act.
- (2) Section 40 of the Act (operating without licence) does not apply to a person engaged in an activity to which paragraph (1) applies, or to an employee of such a person, until the later of –
  - (a) 1 July 2023; or

- (b) if that person makes an application under the Act before 1 July 2023 for a licence to engage in that activity and that application is not withdrawn before 1 July 2023 —
  - (i) if the application is withdrawn, the date on which the application is withdrawn;
  - (ii) if the licence is granted, the date on which that licence is granted;
  - (iii) if the licence is refused, the end of the period within which an appeal can be brought under the Act against the decision to refuse the licence; or
  - (iv) if an appeal is brought, the date on which the appeal is determined or withdrawn.

## **5 Transitional arrangements – old liquor licences**

- (1) This article has effect in respect of an old liquor licence which is in force immediately before the appointed day.
- (2) Despite the repeal of the 1995 Act, the old liquor licence —
  - (a) remains in force and shall be deemed to be the corresponding licence granted under the Act; and
  - (b) any condition or undertaking to which the old liquor licence is subject immediately before the appointed day, has effect, with any necessary modifications, as if it had been imposed or given in accordance with the Act.
- (3) An old liquor licence remains in force until the earlier of —
  - (a) the occurrence of any event that would cause a corresponding licence granted under the Act to cease to have effect;
  - (b) the grant of a new licence under the Act; or
  - (c) subject to paragraph (4), 1 July 2023.
- (4) If the holder of an old liquor licence makes an application for a corresponding licence under the Act before 1 July 2023, the old liquor licence remains in force until —
  - (a) if the application is withdrawn, the date on which the application is withdrawn;
  - (b) if a licence is granted under the Act, the date on which that licence is granted;
  - (c) if the licence is refused, the end of the period within which an appeal can be brought under the Act against the decision to refuse the licence; or
  - (d) if an appeal is brought, the date on which the appeal is determined or withdrawn.

- (5) If the holder of an old liquor licence makes an application to which paragraph (4) applies, such an application is an application to which regulation 7(4) of the Liquor Licensing and Public Entertainments Regulations 2022<sup>1</sup> (transitional licence application) applies.
- (6) An application for an old liquor licence under the 1995 Act that has not been determined immediately before the appointed day is treated as an application for a corresponding licence under the Act and is subject to the requirements of the Act.
- (7) In this article, a “corresponding licence” under the Act is an on-licence, an off-licence or a Manx transport licence (as appropriate), as referred to in the Liquor Licensing and Public Entertainments Regulations 2022<sup>2</sup>.

## **6 Transitional arrangements – old occasional licence for liquor**

- (1) This article has effect in respect of an old occasional licence for liquor which is in force immediately before the appointed day.
- (2) Despite the repeal of the 1995 Act, such a licence —
  - (a) remains in force until the end of the period of the event that is permitted to take place by that licence and shall be deemed to be the corresponding licence granted under the Act; and
  - (b) any condition or undertaking to which that licence is subject immediately before the appointed day, has effect, with any necessary modifications, as if it had been imposed or given in accordance with the Act.
- (3) An application for an old occasional licence for liquor under the 1995 Act that has not been determined immediately before the appointed day is treated as an application for a corresponding licence under the Act and is subject to the requirements of the Act.
- (4) In this article, a “corresponding licence” under the Act is a special event liquor licence held by the holder of an on-licence or an off-licence, as referred to in the Liquor Licensing and Public Entertainments Regulations 2022<sup>3</sup>.

## **7 Transitional and saving arrangements – old charitable function licence**

- (1) This article has effect in respect of an old charitable function licence which is in force immediately before the appointed day.
- (2) Despite the repeal of the 1995 Act, such a licence remains in force until the end of the period of the event that is permitted to take place by that

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<sup>1</sup> SD 2022/0287 (as amended)

<sup>2</sup> SD 2022/0287 (as amended)

<sup>3</sup> SD 2022/0287 (as amended)

licence and shall continue to be governed by the 1995 Act as if the 1995 Act had not been repealed.

- (3) An application for an old charitable function licence under the 1995 Act that has not been determined immediately before the appointed day must be determined under the 1995 Act as if the 1995 Act had not been repealed.
- (4) Any licence granted under paragraph (3) remains in force until the end of the period of the event that is permitted to take place by that licence and shall continue to be governed by the 1995 Act as if the 1995 Act had not been repealed.

## **8 Transitional and saving arrangements – old section 53 order**

- (1) This article has effect in respect of an old section 53 order which is in force immediately before the appointed day.
- (2) Despite the repeal of the 1995 Act, such an order remains in force until the end of the period of the event that is permitted to take place by that order and shall continue to be governed by the 1995 Act as if the 1995 Act had not been repealed.
- (3) An application for an old section 53 order under the 1995 Act that has not been determined immediately before the appointed day must be determined under the 1995 Act as if the 1995 Act had not been repealed.
- (4) Any order made under paragraph (3) remains in force until the end of the period of the event that is permitted to take place by that order and shall continue to be governed by the 1995 Act as if the 1995 Act had not been repealed.

## **9 Transitional arrangements – old club registrations**

- (1) This article has effect in respect of an old club registration which is in force immediately before the appointed day.
- (2) Despite the repeal of the 1995 Act, the old club registration —
  - (a) remains in force and shall be deemed to be the corresponding licence granted under the Act; and
  - (b) any condition or undertaking to which the old club registration is subject immediately before the appointed day, has effect, with any necessary modifications, as if it had been imposed or given in accordance with the Act.
- (3) An old club registration remains in force until the earlier of —
  - (a) the occurrence of any event that would cause a corresponding licence granted under the Act to cease to have effect;
  - (b) the grant of a new licence under the Act; or
  - (c) subject to paragraph (4), 1 July 2023.

- (4) If the holder of an old club registration makes an application for a corresponding licence under the Act before 1 July 2023, the old club registration remains in force until –
  - (a) if the application is withdrawn, the date on which the application is withdrawn;
  - (b) if a licence is granted under the Act, the date on which that licence is granted;
  - (c) if the licence is refused, the end of the period within which an appeal can be brought under the Act against the decision to refuse the licence; or
  - (d) if an appeal is brought, the date on which the appeal is determined or withdrawn.
- (5) If the holder of an old club registration makes an application to which paragraph (4) applies, such an application is to be treated as an application to which regulation 7(4) of the Liquor Licensing and Public Entertainments Regulations 2022<sup>4</sup> (transitional licence application) applies.
- (6) In this article, a “corresponding licence” under the Act is a club licence as referred to in the Liquor Licensing and Public Entertainments Regulations 2022<sup>5</sup>.

## 10 Transitional arrangements - old provisional licences

- (1) This article has effect in respect of an old provisional licence which is in force immediately before the appointed day.
- (2) Despite the repeal of the 1995 Act, the old provisional licence remains in force and shall be deemed to be a provisional licence granted under regulation 30(4) of the Liquor Licensing and Public Entertainments Regulations 2022<sup>6</sup> (provisional licence).
- (3) Regulation 30 of the Liquor Licensing and Public Entertainments Regulations 2022 applies to such a licence with the following consequential modifications –
  - (a) in paragraph (4), the reference to a “plan” shall be read as a reference to any plans deposited with the Licensing Court under section 11(2) or (5) of the 1995 Act; and
  - (b) in paragraph (6), the reference to a provisional licence ceasing to have effect on the expiration of 12 months beginning with the date on which it is granted shall be read a reference to a provisional licence ceasing to have effect on the expiration of 12 months beginning with the date of the appointed day.

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<sup>4</sup> SD 2022/0287 (as amended)

<sup>5</sup> SD 2022/0287 (as amended)

<sup>6</sup> SD 2022/0287 (as amended)

## **11 Transitional arrangements – old temporary licences**

- (1) This article has effect in respect of an old temporary licence which is in force immediately before the appointed day.
- (2) Despite the repeal of the 1995 Act, an old temporary licence granted under section 13(1) of the 1995 Act remains in force and shall be deemed to be a temporary licence granted under regulation 25(5) of the Liquor Licensing and Public Entertainments Regulations 2022<sup>7</sup> (temporary licence).
- (3) Regulation 25(5)(b) of the Liquor Licensing and Public Entertainments Regulations 2022 applies to an old temporary licence granted under section 13(1) of the 1995 Act as if the reference to “the date of the grant of the licence under this regulation” was a reference to the date of the grant of the licence under the 1995 Act.
- (4) Despite the repeal of the 1995 Act, an old temporary licence granted under section 13(2) of the 1995 Act shall be deemed to be a temporary licence granted under regulation 25(1) of the Liquor Licensing and Public Entertainments Regulations 2022 (temporary licence).
- (5) Regulation 25(3)(a) of the Liquor Licensing and Public Entertainments Regulations 2022 applies to an old temporary licence granted under section 13(2) of the 1995 Act as if the reference in paragraph (a) to the period during which the temporary licence shall have effect was a reference to the period specified in the licence granted under section 13(2) of the 1995 Act.
- (6) An old temporary licence granted under section 13(2) of the 1995 Act ceases to have effect when the main licence (as defined in section 13(2) of the 1995 Act), in connection with which the old temporary licence is granted, ceases to remain in force.

## **12 Transitional arrangements – old music and dancing licences**

- (1) This article has effect in respect of an old music and dancing licence which is in force immediately before the appointed day.
- (2) Despite the repeal of the 1961 Act, the old music and dancing licence –
  - (a) remains in force and shall be deemed to be the corresponding licence granted under the Act; and
  - (b) any condition or undertaking to which the old music and dancing licence is subject immediately before the appointed day, has effect, with any necessary modifications, as if it had been imposed or given in accordance with the Act.
- (3) An old music and dancing licence remains in force until the earlier of –

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<sup>7</sup> SD 2022/0287

- (a) the occurrence of any event that would cause a corresponding licence granted under the Act to cease to have effect;
  - (b) the grant of a new licence under the Act; or
  - (c) subject to paragraph (4), 1 July 2023.
- (4) If the holder of an old music and dancing licence makes an application for a corresponding licence under the Act before 1 July 2023, the old music and dancing licence remains in force until —
- (a) if the application is withdrawn, the date on which the application is withdrawn;
  - (b) if a licence is granted under the Act, the date on which that licence is granted;
  - (c) if the licence is refused, the end of the period within which an appeal can be brought under the Act against the decision to refuse the licence; or
  - (d) if an appeal is brought, the date on which the appeal is determined or withdrawn.
- (5) If the holder of an old music and dancing licence makes an application to which paragraph (4) applies, such an application is an application to which regulation 7(4) of the Liquor Licensing and Public Entertainments Regulations 2022<sup>8</sup> (transitional licence application) applies.
- (6) An application for an old music and dancing licence under the 1961 Act that has not been determined immediately before the appointed day is treated as an application for a corresponding licence under the Act and is subject to the requirements of the Act.
- (7) In this article, a “corresponding licence” under the Act is a standard public entertainment licence as referred to in the Liquor Licensing and Public Entertainments Regulations 2022<sup>9</sup>.

### **13 Transitional arrangements – old occasional licence for music and dancing**

- (1) This article has effect in respect of an old occasional licence for music and dancing which is in force immediately before the appointed day.
- (2) Despite the repeal of the 1961 Act, such a licence —
  - (a) remains in force until the end of the period of the event that is permitted to take place by that licence and shall be deemed to be the corresponding licence granted under the Act; and
  - (b) any condition or undertaking to which that licence is subject immediately before the appointed day, has effect, with any

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<sup>8</sup> SD 2022/0287 (as amended)

<sup>9</sup> SD 2022/0287 (as amended)



necessary modifications, as if it had been imposed or given in accordance with the Act.

- (3) An application for an old occasional licence for music and dancing under the 1961 Act that has not been determined immediately before the appointed day is treated as an application for a corresponding licence under the Act and is subject to the requirements of the Act.
- (4) In this article, a “corresponding licence” under the Act is an occasional public entertainment event licence as referred to in the Liquor Licensing and Public Entertainments Regulations 2022<sup>10</sup>.

#### **14 Transitional arrangements – designated officials**

- (1) This article has effect in respect of a person (“P”) who is a designated official in respect of premises subject to a licence under the 1995 Act immediately before the appointed day.
- (2) P is deemed to be a responsible person under the Act in respect of those premises until the earlier of –
  - (a) the licence in respect of which P is the designated official immediately before the appointed day ceases to have effect; or
  - (b) subject to paragraphs (3) and (4), 1 July 2023.
- (3) Paragraph (4) applies if the holder of a licence under the 1995 Act for premises in respect of which P is a designated official immediately before the appointed day –
  - (a) makes an application for a corresponding licence under the Act before 1 July 2023; and
  - (b) designates P as a person having personal responsibility for those premises in that application.
- (4) P is deemed to be a responsible person under the Act in respect of those premises until –
  - (a) if the application for the licence is withdrawn, the date on which the application is withdrawn;
  - (b) if the person making an application for the licence removes P as a person designated to have personal responsibility for the premises, the date on which P is so removed;
  - (c) if the licence is granted under the Act with P designated as the responsible person, the date on which that licence is granted and P becomes a responsible person under the Act;
  - (d) if the application for that licence is refused, the end of the period within which an appeal can be brought under the Act against the decision to refuse the licence; or

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<sup>10</sup> SD 2022/0287 (as amended)

- (e) if an appeal is brought, the date on which the appeal is determined or withdrawn.
- (5) Whilst P is deemed to be a responsible person under the Act, any requirement for P to be entered in the Licensed Staff Register as a responsible person does not apply.

## **15 Transitional arrangements – guards and doorkeepers**

- (1) A person (“P”) who is registered as a guard or a doorkeeper under the Employment of Security Staff (On-Licensed Premises) Regulations 2002<sup>11</sup> immediately before the appointed day is deemed to be a suitable person to be a guard or a doorkeeper (as appropriate) under the Act and P’s particulars must be included in the Licensed Staff Register.
- (2) The Act and the Liquor Licensing and Public Entertainments Regulations 2022<sup>12</sup> shall apply in relation to P as if the Department of Home Affairs had granted an application by P for entry in the Licensed Staff Register as a guard or a doorkeeper (as appropriate) under Part 7 of the Liquor Licensing and Public Entertainments Regulations 2022 (licensed staff register).
- (3) For the purposes of regulation 57 of the Liquor Licensing and Public Entertainments Regulations 2022, P’s registration as a guard or a doorkeeper in the Licensed Staff Register shall cease to have effect on the expiration of 3 years beginning with the date on which P’s entry in the register under the Employment of Security Staff (On-Licensed Premises) Regulations 2002<sup>13</sup> was made or renewed.

## **16 Saving – Charitable function licences under the 1995 Act**

- (1) Despite the repeal of the 1995 Act, a person nominated in writing by a charitable organisation may continue to apply to the Licensing Court for an old charitable function licence under section 15 of the 1995 Act before 1 July 2023.
- (2) Any application to which paragraph (1) applies shall be determined under, and governed by, the 1995 Act as if the 1995 Act had not been repealed.
- (3) Any licence granted by virtue of this article shall be governed by the 1995 Act as if the 1995 Act had not been repealed.
- (4) The fee for making an application for an old charitable function licence in accordance with this article is as follows –

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<sup>11</sup> SD 84/02 (as amended by SD 0021/2013)

<sup>12</sup> SD 2022/0287 (as amended)

<sup>13</sup> SD 84/02 (as amended by SD 0021/2013)

For a charitable function not exceeding 2 hours in duration	£26.00
For a charitable function of over 2 hours in duration	£21.00 for each subsequent hour or part of an hour

## 17 Suspensions and offences under the 1995 Act

To avoid doubt —

- (a) a suspension of a licence under a provision of the 1995 Act has the same effect as a suspension of a licence under the corresponding provision of the Act; and
- (b) the conviction of a person of an offence under a provision of the 1995 Act has the same effect as a conviction of a person of an offence under the corresponding provision of the Act.

## 18 Schedule 2 to the Act amended

In Schedule 2 to the Act (amendment of enactments), in paragraph 1(b) (Casino Act 1986 amended) for “section 30(1)” substitute ~~“section 30(1)”~~ section 30(9) ~~“.”~~.

## 19 Consequential amendments

The Schedule, which contains consequential amendments, has effect on the appointed day.

## 20 Liquor Licensing and Public Entertainments Act 2021 (Appointed Day) (No.1) Order 2022 amended

On the appointed day, article 3 of the Liquor Licensing and Public Entertainments Act 2021 (Appointed Day) (No.1) Order 2022<sup>14</sup> (saving provisions) is revoked to the extent that it applies to the Licensing Court Rules 2014<sup>15</sup>, save that those Rules shall continue in effect in so far as they apply in relation to applications for old charitable function licences.

## 21 Revocations

- (1) Subject to article 20 and to paragraph (2), any statutory documents made under the 1995 Act are revoked on the appointed day.
- (2) Paragraph (1) does not apply to —
  - (a) the Licensing Court of Appeal Rules 1996<sup>16</sup> and the Licensing Court of Appeal (Assessment of Costs) Rules 2000<sup>17</sup> made under

<sup>14</sup> SD 2022/0189

<sup>15</sup> SD 2014/0231

<sup>16</sup> SD 380/96 (as amended)

<sup>17</sup> SD 674/00

section 5 of the 1995 Act and saved by article 3 of the Liquor Licensing and Public Entertainments Act 2021 (Appointed Day) (No.1) Order 2022<sup>18</sup>; and

- (b) the Licensing Regulations 1996<sup>19</sup> to the extent that they apply in relation to old charitable function licences and references in those Regulations to sections 33(4) and 40 of the Licensing Act 1995 shall be construed as references to sections 30(3) and 19 of the Liquor Licensing and Public Entertainments Act 2021 respectively.

**MADE 10 DECEMBER 2022**

**JANE POOLE-WILSON**  
*Minister for Home Affairs*

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<sup>18</sup> SD 2022/0189

<sup>19</sup> SD198/96 (as amended)

SCHEDULE

[Article 19]

CONSEQUENTIAL AMENDMENTS<sup>20</sup>

**1 Amendment to the Police Records (Recordable Offences) (No. 2) Regulations 1999**

- (1) The Police Records (Recordable Offences) (No. 2) Regulations 1999<sup>21</sup> are amended as follows.
- (2) For regulation 2(1)(r) to (v) (recordable offences) substitute —
  - (r) section 30 of the Liquor Licensing and Public Entertainments Act 2021 (Misbehaviour of persons: preventing entry into licensed premises or sale of liquor to certain persons) and section 33(1) of the Licensing Act 1995 (drunkenness etc on premises);
  - (s) section 33(4) of the Liquor Licensing and Public Entertainments Act 2021 (Expulsion etc. of persons from licensed premises);
  - (t) section 34 of the Liquor Licensing and Public Entertainments Act 2021 (Prostitution etc on licensed premises);
  - (u) omitted
  - (v) section 41 of the Liquor Licensing and Public Entertainments Act 2021 (Public drunkenness) and section 75(1) of the Licensing Act 1995 (public drunkenness);<sup>22</sup>.

**2 Amendment to Secure Care Home Custody Rules 2002**

- (1) The Secure Care Home Custody Rules 2002<sup>22</sup> are amended as follows.
- (2) In rule 2 (interpretation), in the definition of “liquor”, for “Licensing Act 1995” substitute **“Liquor Licensing and Public Entertainments Act 2021”**.

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<sup>20</sup> Pursuant to section 67 of the Legislation Act 2015, any general reference to the Licensing Act 1995 or the Music and Dancing Acts 1961 and 1971 in other Manx legislation will be construed as a reference to the Liquor Licensing and Public Entertainments Act 2021. Pursuant to section 68 of the Legislation Act 2015, any reference to a particular provision of the Licensing Act 1995 or the Music and Dancing Acts 1961 and 1971 in other Manx legislation will be construed as a reference to any corresponding provision of the Liquor Licensing and Public Entertainments Act 2021 relating to the same or similar subject matter.

<sup>21</sup> SD 223/99

<sup>22</sup> SD 853/02 (as amended)

### 3 Amendment to the Police Powers and Procedures Codes Order 2014

- (1) The Police Powers and Procedures Codes Order 2014<sup>23</sup> is amended as follows.
- (2) In article 4 (codes of practice), for “sections 74 and 76 of the Licensing Act 1995” substitute **63**section 42 of the Liquor Licensing and Public Entertainments Act 2021 and regulation 68 of the Liquor Licensing and Public Entertainments Regulations 2022<sup>24</sup>. **62**.
- (3) For the name of the last code in the Schedule entitled “Code of Practice on the exercise by police officers of statutory powers under sections 74 and 76 of the Licensing Act 1995”, substitute **63**Code of Practice on the exercise by police officers of statutory powers under section 42 of the Liquor Licensing and Public Entertainments Act 2021 and regulation 68 of the Liquor Licensing and Public Entertainments Regulations 2022<sup>25</sup> **62** (the “Code”).
- (4) In sub-paragraph 1.3 of the Code –
  - (a) in sub-paragraph 1.3(a), for “section 74 of the Licensing Act 1995” substitute **63**regulation 68 of the Liquor Licensing and Public Entertainments Regulations 2022<sup>26</sup> **62**; and
  - (b) in sub-paragraph 1.3(b), for “section 76 of the Licensing Act 1995” substitute **63**section 42 of the Liquor Licensing and Public Entertainments Act 2021 **62**.
- (5) In sub-paragraph 1.6 of the Code, for “Licensing Act 1995” substitute **63**Liquor Licensing and Public Entertainments Act 2021 **62**.
- (6) After sub-paragraph 1.6 of the Code insert –

<b>63</b> 1.6A	In this Code a reference to a numbered regulation (without more) is a reference to the regulation of the Liquor Licensing and Public Entertainments Regulations 2022 <sup>27</sup> bearing that number. <b>62</b> .
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- (7) In sub-paragraph 1.7 of the Code, in the definition of “banned person”, for “sections 33(4)(a) and 75(5)(a)” substitute **63**section 30(3)(a) **62**.
- (8) In the heading of paragraph 2 of the Code, for “(section 74)” substitute **63**(regulation 68) **62**.
- (9) In sub-paragraph 2.1 of the Code, for “section 74(1)” substitute **63**regulation 68(1) **62**.
- (10) In sub-paragraph 2.6 of the Code –
  - (a) for “section 74”, substitute **63**regulation 68 **62**; and

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<sup>23</sup> SD 2014/0363

<sup>24</sup> SD 2022/0287 (as amended)

<sup>25</sup> SD 2022/0287 (as amended)

<sup>26</sup> SD 2022/0287 (as amended)

<sup>27</sup> SD 2022/0287 (as amended)

- (b) for “sections 73 (consumption of alcohol by minors) and 74A (Agents etc obtaining liquor for minors)”, substitute **63** regulation 66 (consumption of liquor by a minor) and regulation 67 (agents etc. obtaining liquor for minors) **62**.
- (11) In sub-paragraph 2.7 of the Code, for “section 74” substitute **63** regulation 68 **62**.
- (12) For sub-paragraph 2.9 of the Code, substitute —
- 63**2.9 For the purposes of this Part of the Code a “public place” includes —
- (a) any highway; and
- (b) any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise. **62**.
- (13) In the heading of paragraph 3 of the Code, for “(section 76)” substitute **63**(section 42) **62**.
- (14) In sub-paragraph 3.1 of the Code —
- (a) for “section 76” substitute **63**section 42 **62**;
- (b) in sub-paragraph 3.1(a), for “(section76(1))” substitute **63**(section 42(1)) **62**;
- (c) in sub-paragraph 3.1(b), for “”section 76(3))” substitute **63**(section 42(4)) **62**;
- (d) in sub-paragraph 3.1(c), for “(section 76(4))” substitute **63**(section 42(5)) **62**;
- (e) in sub-paragraph 3.1(d), for “(section 76(4))” substitute **63**(section 42(5)) **62**.
- (15) In sub-paragraph 3.3 of the Code, for “(1)” substitute **63**sections 42(1), (4) or (5) **62**.
- (16) For sub-paragraph 3.4 substitute —
- 63**3.4 For the purposes of this Part of the Code, a “public place” includes —
- (a) any highway; and
- (b) any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise. **62**.
- (17) In sub-paragraph 4.1 of the Code —
- (a) for “section 76(1)” substitute **63**section 42(1) **62**;
- (b) in sub-paragraph 4.1(d), for “a public place” substitute **63**the public place **62**; and
- (c) for sub-paragraph 4.1(e) substitute —

- (18) In sub-paragraph 4.3 of the Code —
- (a) for “section 76(1)” substitute **43** section 42(1) **22**; and
  - (b) in sub-paragraph 4.3(b), for “(as set out in (1) above)” substitute **43** (as set out in section 42(1)) **22**.
- (19) In sub-paragraph 4.4 of the Code —
- (a) for “section 76(1)” substitute **43** section 42(1) **22**; and
  - (b) at the end, insert **43** (in accordance with section 42(10)) **22**.
- (20) In sub-paragraph 5.1 of the Code, for “section 76(3)” substitute **43** section 42(4) **22**.
- (21) In sub-paragraph 5.2 of the Code —
- (a) for “(1)” substitute **43** section 42(4) **22**; and
  - (b) in sub-paragraph 5.2(a), for “(section 76(7))” substitute **43** (section 42(8)) **22**.
- (22) In sub-paragraph 5.4 of the Code, for “section 33(4B) of the Licensing Act 1995” substitute **43** section 30(5) **22**.
- (23) In sub-paragraph 6.1 of the Code, for “section 76(4)” substitute **43** section 42(5) **22**.
- (24) In sub-paragraph 6.4 of the Code —
- (a) for “Licensing Act 1995” substitute **43** Liquor Licensing and Public Entertainments Act 2021 or the Liquor Licensing and Public Entertainments Regulations 2022<sup>28</sup> **22**;
  - (b) in sub-paragraph 6.4(d), for “a public place” substitute **43** the public place **22**; and
  - (c) for sub-paragraph 6.4(e), substitute —
    - 43**(e) acting in a manner that has caused, or is likely to cause, nuisance or annoyance to any member of the public. **22**.
- (25) In sub-paragraph 6.5 of the Code, for “(2)” substitute **43** section 42(5) **22**.

#### 4 Amendments to the Employment of Children (No. 2) Regulations 2018

- (1) The Employment of Children (No. 2) Regulations 2018<sup>29</sup> are amended as follows.
- (2) In regulation 4(3)(b) (restrictions on employment), for “Licensing Act 1995” substitute **43** Liquor Licensing and Public Entertainments Act 2021 **22**.

<sup>28</sup> SD 2022/0287 (as amended)

<sup>29</sup> SD 2018/0121



**5 Amendment to the Rehabilitation of Offenders Act 2001 (Exceptions) Order 2018**

- (1) The Rehabilitation of Offenders Act 2001 (Exceptions) Order 2018<sup>30</sup> is amended as follows.
- (2) In article 3(1) (interpretation) —
  - (a) omit the definition of “security staff register”; and
  - (b) in the appropriate place, insert —
    - “**doorkeeper**” has the meaning given in section 3(1) of the Liquor Licensing and Public Entertainments Act 2021;
    - “**guard**” has the meaning given in section 3(1) of the Liquor Licensing and Public Entertainments Act 2021;
    - “**licensed staff register**” means the register of persons who may be employed with respect to any licensed premises as a guard, doorkeeper or responsible person that is established and maintained further to regulations made under section 19 of the Liquor Licensing and Public Entertainments Act 2021; **and**.
- (3) In article 5 (exceptions to section 4 of the Act) —
  - (a) for paragraph (3) substitute —
    - (3)** Section 4(2) of the Act does not apply in respect of any question put by or on behalf of the Department of Home Affairs seeking information about an applicant for inclusion in the licensed staff register as a guard or doorkeeper. **and**
    - (b) in paragraph (4)(d), for “security staff register” substitute **licensed staff register**.
- (4) In Schedule 1 (excepted professions, offices, employments, work and occupations) —
  - (a) in Part 2 (offices and employments), in paragraph 11, for “security staff register” substitute **licensed staff register**; and
  - (b) in Part 3 (regulated occupations), for paragraph 7 substitute —
    - 7.** Any application for inclusion on the register of persons who may be employed as a guard or doorkeeper, with respect to any licensed premises, that is maintained further to regulations made under section 19 of the Liquor Licensing and Public Entertainments Act 2021. **and**.

<sup>30</sup> SD 2018/0327

*EXPLANATORY NOTE**(This note is not part of the Order)*

This Order brings into operation the Liquor Licensing and Public Entertainments Act 2021 (the “2021 Act”) in so far as it is not already in operation, save for section 18, and section 64(1) and Schedule 1 (to the extent that they repeal section 33(1) and section 75(1) of the Licensing Act 1995 (the “1995 Act”).

Sections 1 and 2 of the 2021 Act came into operation upon that Act’s announcement day, by virtue of section 18 of the Legislation Act 2015; and sections 62, 65 and 66 came into operation on its passing, by virtue of section 2(2) of the 2021 Act.

Sections 7(1), 7(2)(a), 7(3), 8 and 9 of the 2021 Act came into operation on 28<sup>th</sup> June 2022.

Articles 4 to 16 make saving and transitional provisions in relation to the coming into operation of the 2021 Act and the repeal of the Licensing Act 1995 and the Music and Dancing Acts 1961 and 1971.

Article 17 provides that a suspension of a licence under a provision of the 1995 Act or the conviction of a person of an offence under a provision of the 1995 Act, has the same effect as a suspension or a conviction under the corresponding provision of the 2021 Act.

Article 18 corrects a consequential amendment to be made to the Casino Act 1986 on the commencement of the Act.

Article 19 makes consequential amendments to other secondary legislation as a result of the coming into operation of the 2021 Act.

Article 20 revokes the saving in article 3 of the Liquor Licensing and Public Entertainments Act 2021 to the extent that it applies to the Licensing Rules 2014. However those Rules will continue to have effect in so far as they relate to applications for old charitable function licences under the 1995 Act (as provided for in article 16).

Article 21 confirms that any statutory documents made under the 1995 Act are revoked on the repeal of the 1995 Act, except for the Licensing Court of Appeal Rules 1996, the Licensing Court of Appeal (Assessment of Costs) Rules 2000 and the Licensing Regulations 1996 (to the extent that they apply in relation to old charitable function licences).