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STATUTORY INSTRUMENTS

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**2015 No. 1781**

**LICENCES AND LICENSING**

**The Licensing Act 2003 (Late Night  
Refreshment) Regulations 2015**

<i>Made</i>	- - - -	<i>13th October 2015</i>
<i>Laid before Parliament</i>		<i>15th October 2015</i>
<i>Coming into force</i>	- -	<i>5th November 2015</i>

The Secretary of State, in exercise of the powers conferred by section 193(1) of and paragraph 2A(2) of Schedule 2(2) to the Licensing Act 2003(3), makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Licensing Act 2003 (Late Night Refreshment) Regulations 2015 and come into force on 5th November 2015.

**Interpretation**

2. In these Regulations—

“domestic premises” has the meaning given by paragraph 12ZA(7) of Schedule 1 to the 2003 Act(4);

“premises used as a hospital” has the meaning given by paragraph 19(3) of Schedule 1 to the 2003 Act(5);

“local authority” has the meaning given by paragraph 20 of Schedule 1 to the 2003 Act(6);

“school” has the meaning given by paragraph 21 of Schedule 1 to the 2003 Act(7);

“the 2003 Act” means the Licensing Act 2003.

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(1) See the definition of “regulations”. There are amendments to section 193 which are not relevant to these Regulations.  
(2) Paragraph 2A was inserted by section 71(1) and (3) of the Deregulation Act 2015 (c. 20).  
(3) 2003 c. 17.  
(4) Paragraph 12ZA was inserted by article 3(1) and (3) of S.I. 2014/3253.  
(5) Paragraph 19(3) was inserted by article 4 of S.I. 2014/3253.  
(6) Paragraph 20 was inserted by article 4 of S.I. 2014/3253.  
(7) Paragraph 21 was inserted by article 4 of S.I. 2014/3253.

### **Descriptions of exempted premises**

**3.** The following descriptions of premises are prescribed for the purposes of paragraph 2A(2) of Schedule 2 to the 2003 Act—

- (a) premises situated on land for the time being used for the provision of facilities to be used in connection with the use of a special road provided for the use of traffic of class I (with or without other classes) (motorway service area);
- (b) premises used for the retailing of petrol or derv;
- (c) premises in which a local authority has a relevant property interest or which are lawfully occupied by that authority, except—
  - (i) any domestic premises within those premises; or
  - (ii) when an event is taking place at which more than 500 people are present;
- (d) the premises of a school except—
  - (i) any domestic premises within the school; or
  - (ii) when an event is taking place at which more than 500 people are present;
- (e) premises used as a hospital, except any domestic premises within the hospital;
- (f) community premises, except when an event is taking place at which more than 500 people are present;
- (g) licensed premises authorised to sell by retail alcohol for consumption on the premises between the hours of 11pm and 5am.

**4.** For the purposes of these Regulations, a local authority has a relevant property interest in premises if that local authority—

- (a) is for the time being entitled to dispose of the fee simple in the premises, whether in possession or in reversion, or
- (b) holds or is entitled to the rents and profits of the premises under a lease which (when granted) was for a term of not less than 3 years.

13th October 2015

*Mike Penning*  
Minister of State  
Home Office

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations prescribe those descriptions of premises that a licensing authority is permitted to designate under paragraph 2A of Schedule 2 to the Licensing Act 2003 as exempt from the licensing requirements that apply to the provision of late night refreshment, that is to say the supply to the public of hot food or hot drinks between 11pm and 5am.