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TO

Amend the Licensing Act 2003 with respect to the performance of live music entertainment; and for connected purposes.

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:—

1 Licence review for live music entertainment

For section 177 of the Licensing Act 2003 (c. 17) (dancing and live music in certain small premises) substitute—

“177 Licence review for music entertainment

- (1) Subsection (2) applies where live music entertainment takes place in premises authorised to supply alcohol for consumption on the premises by a premises licence or club premises certificate, and—
- (a) at the time of the live music entertainment, the premises is supplying alcohol for consumption on the premises,
 - (b) the live music entertainment takes place in the presence of an audience of no more than 200 persons, and
 - (c) the live music entertainment takes place between 8am and midnight on the same day.
- (2) Any condition of the premises licence or club premises certificate which relates to the provision of music entertainment does not have effect in relation to the provision of that entertainment, unless it falls within subsection (3).
- (3) A condition falls within this subsection if, on a review of the premises licence or club premises certificate—
- (a) it is altered so as to include a statement that this section does not apply to it, or
 - (b) it is added to the licence and includes a statement to the effect that this section does not apply to it.

- (4) Where a condition is included in accordance with subsection (3)(a) or (b), paragraph 12A of Schedule 1 (live music in licensed venues) and paragraph 12C (live unamplified music) shall have no effect.
- (5) In this section –
- “condition” means any condition of the premises licence or club premises certificate which is included in that premises licence or club premises certificate, including, but not limited to, conditions included or imposed by virtue of –
 - (a) in the case of a premises licence, section 18(2)(a), 34(2), 35(3)(b), 52(3), 53B, 53C or 167(5)(b),
 - (b) in the case of a club premises certificate, section 72(2)(a), 72(3)(b), 85(2) or 88(3);
 - “music entertainment” means entertainment of a description falling within, or of a similar description to that falling within, paragraph 2(1)(e) of Schedule 1;
 - “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.”
- 2 Removal of requirement to licence the provision of entertainment facilities**
- (1) Schedule 1 to the Licensing Act 2003 (c. 17) is amended as follows.
- (2) For sub-paragraph 1(1) substitute –
- “(1) For the purposes of this Act, the “provision of regulated entertainment” means the provision of entertainment of a description falling within paragraph 2 where the conditions in sub-paragraphs (2) and (3) are satisfied.”
- (3) In sub-paragraph 1(2) omit “, or entertainment facilities are,”.
- (4) For sub-paragraph 1(3) substitute –
- “(3) The second condition is that the premises on which the entertainment is provided are made available for the purpose, or for purposes which include the purpose, of enabling the entertainment concerned to take place.”
- (5) For sub-paragraph 1(4) substitute –
- “(4) For the purposes of sub-paragraph (2)(c), entertainment is to be regarded as provided for consideration only if any charge is made by or on behalf of –
 - (a) any person concerned in the organisation or management of that entertainment, and
 - (b) is paid by or on behalf of some or all of the persons for whom that entertainment is provided.”
- (6) In sub-paragraph 1(6) omit paragraph (c).
- (7) Omit paragraph 3.

(8) For paragraph 4 substitute –

“4 The Secretary of State may by order amend this Schedule for the purposes of modifying the descriptions of entertainment specified in paragraph 2, and for this purpose “modify” includes adding, varying or removing any description.”

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(9) For paragraph 7 substitute –

“7 The provision of entertainment consisting of the performance of live music or the playing of recorded music is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it is incidental to some other activity which is not itself a description of entertainment falling within paragraph 2.”

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(10) In paragraph 9 omit “or entertainment facilities”.

(11) In sub-paragraph 10(1) omit “or entertainment facilities”.

(12) In paragraph 11 omit “or entertainment facilities”.

(13) In paragraph 12 omit “or entertainment facilities”.

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3 Exemptions for live music entertainment

(1) Schedule 1 to the Licensing Act 2003 (c. 17) is amended as follows.

(2) In paragraph 11(a) for “a performance of unamplified, live music as” substitute “the playing of live or recorded music that forms”.

(3) After paragraph 12 insert –

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“Live music in licensed venues

12A The provision of a performance of live music within the meaning of paragraph 2(1)(e) of this Schedule, or entertainment of a similar description, is not to be regarded as the provision of regulated entertainment for the purposes of this Act on premises to which section 177 applies, except in cases where section 177(4) has effect.”

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(4) After paragraph 12A (as inserted by sub-paragraph (3)) insert –

“Live music in workplaces not licensed under this Act

12B The provision of a performance of live music within the meaning of paragraph 2(1)(e) of this Schedule, or entertainment of a similar description, is not to be regarded as the provision of regulated entertainment for the purposes of this Act, provided that –

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(a) the place where the performance is provided is not licensed under this Act but is a workplace as defined in regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations 1992,

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(b) the performance takes place in the presence of an audience of no more than 200 persons,

(c) the performance takes place between 8am and midnight on the same day.”

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- (5) After paragraph 12B (as inserted by sub-paragraph (4)) insert—

“Live unamplified music

12C (1) The provision of a performance of live music within the meaning of paragraph 2(1)(e) of this Schedule, or entertainment of a similar description, is not to be regarded as the provision of regulated entertainment for the purposes of this Act provided that the music or entertainment is— 5

- (a) unamplified;
- (b) takes place between 8am and midnight on the same day.

(2) The exemption within sub-paragraph (1) will not apply if— 10

- (a) the performance of live music takes place in premises authorised to supply alcohol for consumption on the premises by a premises licence or club premises certificate; and
- (b) section 177(4) has effect.” 15

4 Short title, commencement and extent

- (1) This Act may be cited as the Live Music Act 2010.
- (2) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.
- (3) This Act extends to England and Wales only. 20

Live Music Bill [HL]

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Lord Clement-Jones

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