

LICENSING HOURS EXTENSIONS BILL

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the Licensing Hours Extensions Bill as introduced to the House of Commons on 16 October 2024 (Bill 21).

- These Explanatory Notes have been provided by the Home Office, with the consent of Andrew Ranger, the Member in charge of the Bill in order to assist the reader. They do not form part of the Bill and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Bill will mean in practice; provide background information on the development of policy; and provide additional information on how the Bill will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Bill. They are not, and are not intended to be, a comprehensive description of the Bill.

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Overview of the Bill

1 Proposed provisions of the Bill

- The Bill will amend the Licensing Act 2003 so that licensing hours orders can be made by negative resolution statutory instrument (SIs) instead of requiring the affirmative procedure. This will apply to England and Wales.
- The affirmative procedure is a type of parliamentary procedure that applies to SIs. Its name describes the form of scrutiny that the SI receives from Parliament; an SI laid under the affirmative procedure must be actively approved by both Houses of Parliament, meaning that it must be debated in both Houses of Parliament. A negative procedure SI becomes law on the day the Minister signs it and automatically remains law unless a motion – or ‘prayer’ – to reject it is agreed by either House within 40 sitting days.

Policy background

- 2 The Licensing Act 2003 (‘the Act’) already makes provision for the Secretary of State to make an order for a relaxation of licensing hours for “an occasion of exceptional international, national, or local significance”.
- 3 This power has been exercised in recent years to mark the Coronation of His Majesty the King, the late Queen’s Platinum Jubilee, the 2011 and 2018 Royal Weddings, the 2014 FIFA World Cup, the Euro 2020 final and Euro 2024 semi-final and final.
- 4 The Act specifies that any order is subject to the affirmative procedure and needs to be approved in both Houses of Parliament. The Act also specifies that if the Government wishes to bring an order to allow a temporary extension to licensing hours, such persons as the Home Secretary considers ‘appropriate’ must be consulted.
- 5 The Bill would bring an amendment to the Act so that future orders for licensing hours extensions would instead be subject to the negative resolution procedure. A simplified parliamentary process would allow a swifter response to requests – including short notice requests that may occur during Parliamentary recess – whilst reducing the Parliamentary time currently required. Orders will continue to specify the dates and times of the relaxations.
- 6 The option for consultation would be retained, enabling decisions to be taken once potential concerns (e.g. increased noise or anti-social behaviour) have been considered. The negative resolution procedure would also allow the order to be debated if successfully requested by any Parliamentarian.

Legal background

- 7 This Bill amends section 197 of the Licensing Act 2003. Section 197 of the Licensing Act

2003 sets out the powers of the Secretary of State to make regulations or orders within the 2003 Act. Section 197 sets out what type of regulations and orders may be made and the parliamentary process that the Secretary of State needs to follow when making such regulations or orders.

Territorial extent and application

- 8 The Bill extends to England and Wales. Paragraph 57 of Schedule 7A to the Government of Wales Act 2006 provides that the licensing of the provision of entertainment and late night refreshment are reserved to the UK Government. Paragraph 58 of Schedule 7A of the 2006 Act also provides that the sale and supply of alcohol are reserved. Therefore, a legislative consent motion will not be needed in relation to the Bill. Annex A below sets out the devolution position in tabular form.
- 9 The Bill will apply to England and Wales. Licensing hours extensions may, however, under the 2003 Act be limited to smaller geographical areas within this jurisdiction.

Commentary on provisions of Bill

Clause 1: Procedure for making licensing hours orders

- 10 This clause deletes from section 197 of the Licensing Act 2003 paragraph (d) of subsection (3), the cross-reference to paragraph (d) of subsection (3) in subsection (4) and subsection (5). The effect of these deletions is to change the Parliamentary procedure needed for a licensing hours extension order (under section 172 of the 2003 Act) from the affirmative procedure to the negative procedure.

Clause 2: Commencement, extent and short title

- 11 This clause provides that the Bill will come into force on Royal Assent, that it will extend only to England and Wales, and that it may be referred to as 'The Licensing Hours Extensions Act 2025'.

Commencement

- 12 The Act comes into force on the day on which the Act is passed.

Financial implications of the Bill

- 13 There are no financial and charging implications for the Bill.

Parliamentary approval for financial costs or for charges imposed

14 This Bill does not require either a money resolution or a ways and means resolution.

Compatibility with the European Convention on Human Rights

15 Section 19 of the Human Rights Act 1998 requires the Minister in charge of a Bill in either House of Parliament to make a statement about the compatibility of the provisions of the Bill with the Convention rights (as defined in Section 1 of the Act). However, it is not necessary for Ministers to sign a statement under Section 19 of the Human Rights Act 1998 in respect of compatibility with the ECHR if the Bill is a Private Members' Bill.

Environmental implications

16 This Bill does not contain provision which, if enacted, would be environmental law for the purposes of section 20 of the Environment Act 2021. Accordingly, no statement under that section has been made.

Annex A - Territorial extent and application in the United Kingdom

Provision	England	Wales		Scotland		Northern Ireland	
	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Legislative Consent Motion process engaged?	Extends and applies to Scotland?	Legislative Consent Motion process engaged?	Extends and applies to Northern Ireland?	Legislative Consent Motion process engaged?
Clause 1	Yes	Yes	N/A	No	N/A	No	N/A
Clause 2	Yes	Yes	N/A	No	N/A	No	N/A

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