

# Licensing Act 2003 (Amendment) Bill

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**B I L L**

TO

Amend the Licensing act 2003 in relation to touring circuses; and for connected purposes.

**B**E 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 Application of Licensing Act to touring circuses: annual licences etc.**

- (1) The Licensing Act 2003 (c. 17) is amended as follows.
- (2) In section 1 (licensable activities and qualifying club activities) after subsection (7) insert—
  - “(8) The provision of a touring circus is a licensable activity to which section 189A applies; and the remaining provisions of this Act apply to touring circuses subject to the provisions of that section.” 5
- (3) After section 189 insert—

*“Touring circuses*

- 189A Touring circuses** 10
- (1) Not more than three months after the passing of the Licensing Act 2003 (Amendment) Act 2005 the Secretary of State shall make regulations amending, supplementing or modifying the provisions of this Act in relation to touring circuses.
  - (2) In particular those regulations shall— 15
    - (a) prescribe a body (which need not be a licensing authority listed in section 3) to perform the functions of a licensing authority in relation to touring circuses;
    - (b) provide that a touring circus licensed by virtue of paragraph (a) does not require to be licensed by any other licensing authority; 20
    - (c) provide for the duration of a licence for a touring circus to be one year;

- (d) provide that the tent in which the performance of a touring circus takes place, and not the land on which the tent is erected, requires to be licensed; and
- (e) provide that a fresh application for a licence shall be required only in the case of changes to the layout of the tent during the duration of the licence. 5
- (3) Before making regulations under this section the Secretary of State shall consult such persons as appear to him to be representative of the interests of touring circuses.”
- (4) In section 193 (other definitions) insert at the appropriate point – 10  
 ““touring circus” has such meaning as shall be prescribed;”.
- 2 Temporary event notices in respect of travelling circuses**
- (1) The Licensing Act 2003 (c. 17) is amended as follows.
- (2) After section 99 insert –
- “99A Application to touring circuses** 15
- (1) The provisions of this Part shall have effect in relation to a touring circus with such modifications as shall be prescribed.
- (2) In this section “touring circus” has such meaning as shall be prescribed.
- (3) The Secretary of State shall make regulations under this section not more than three months after the passing of the Licensing Act 2003 (Amendment) Act 2005. 20
- (4) Before making regulations under this section the Secretary of State shall consult such persons as appear to him to be representative of the interests of touring circuses.”
- 3 Exemption of touring circuses from provisions of principal Act** 25
- (1) The Licensing Act 2003 is amended as follows.
- (2) After section 175 insert –
- “175A Exemption for touring circuses**
- (1) The provision of a touring circus is not a licensable activity.
- (2) In this section “touring circus” has such meaning as shall be prescribed. 30
- (3) The Secretary of State shall make regulations under this section not more than three months after the passing of the Licensing Act 2003 (Amendment) Act 2005.”
- (3) In section 1(6) for “175” substitute “175A”.
- 4 Commencement and repeal** 35
- (1) The preceding provisions of this Act shall come into force, or be repealed, in accordance with an order made by the Secretary of State.

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- (2) The power to make an order under this section is exercisable by statutory instrument.
  - (3) A statutory instrument containing an order under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
  - (4) Not more than three months after the passing of this Act the Secretary of State shall make an order –
    - (a) bringing section 1 into force and repealing sections 2 and 3; or
    - (b) bringing section 2 into force and repealing sections 1 and 3; or
    - (c) bringing section 3 into force and repealing sections 1 and 2.

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**5 Short title**

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This Act may be cited as the Licensing Act 2003 (Amendment) Act 2005.

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## B I L L

To amend the Licensing act 2003 in relation to touring circuses; and for connected purposes.

*Ordered to be brought in by Mr Peter Luff,  
Harry Cohen, Mrs Claire Curtis-Thomas,  
Mark Fisher, Andrew George, Mr Michael Jack,  
Kate Hoey, Mr Austin Mitchell,  
Miss Julie Kirkbride, Lembit Öpik,  
Stephen Pound and Mr John Whittingdale.*

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*Ordered, by The House of Commons,  
to be printed, 25th October 2005.*

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