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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 premises has a permitted capacity of no more than 200 persons, and
 - (c) the 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 certain licensed venues) 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, sections 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, sections 72(2)(a), 72(3)(b), 85(2) or 88(3);
 - “music entertainment” means –
 - (a) entertainment of a description falling within, or of a similar description to that falling within, paragraph 2(1)(e) of Schedule 1, or
 - (b) facilities enabling persons to take part in entertainment within paragraph (a);
 - “permitted capacity”, in relation to any premises, means the limit on the number of persons who, following a risk assessment in accordance with the requirements of regulation 9 of the Regulatory Reform (Fire Safety) Order 2005, may be on the premises at any one time;
 - “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 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 –

“Live music in certain 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, or facilities enabling persons to take part in such entertainment, 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.

Live unamplified or minimally amplified music by no more than two performers

- 12B (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, or facilities enabling persons to take part in such entertainment, is not to be regarded as the provision of regulated

entertainment for the purposes of this Act provided that the music or entertainment is –

- (a) performed by no more than two performers; and
- (b) either unamplified or minimally amplified.

(2) Where sub-paragraph (1) applies at premises in respect of which a premises licence or club premises certificate has effect, any condition of the premises licence or club premises certificate which relates to the provision of regulated entertainment or entertainment facilities does not have effect in so far as it relates to the performance of live music or provision of facilities under sub-paragraph (1). 5
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(3) In this paragraph “condition” has the same meaning as in section 177(5).

(4) This paragraph is subject to Part 3 of this Schedule (interpretation).

Hospitals, hospital accommodation, schools and colleges

12C (1) The provision of any entertainment or entertainment facilities on premises at a school, college, hospital or hospital accommodation are not to be regarded as regulated entertainment provided that – 15

- (a) alcohol is not sold during the provision of such entertainment or entertainment facilities; and
- (b) the total number of persons attending the school, college or hospital for the purposes of any entertainment or entertainment facilities at no time exceeds 200 persons. 20

(2) In this paragraph –

“college” means a college or similar institution principally concerned with the provision of full time education suitable to the requirements of persons over compulsory school age, but who have not attained the age of 19; 25

“hospital” means –

- (a) any institution for the reception and treatment of persons suffering from illness; 30
- (b) any maternity home, and
- (c) any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation,

and includes clinics, dispensaries and outpatient departments maintained in connection with any such home or institution, and “hospital accommodation” is to be construed accordingly; and 35

“school” means a school within the meaning of section 4 of the Education Act 1996 (schools: general).” 40

(4) After paragraph 18 insert –

“Minimal amplification

19 “Minimal amplification” means the electronic amplification of music, being played or used at a performance of live music, such that the volume of the electronically amplified music does not 45

predominate over any unamplified music played during that performance.”

3 Short title, commencement and extent

- (1) This Act may be cited as the Live Music Act 2009.
- (2) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint. 5
- (3) This Act extends to England and Wales only.

Live Music Bill [HL]

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Lord Clement-Jones

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