

Licensing (Amendment) Bill 2012
Clauses considered

3.4. Mr Singer to move.

The Speaker: Therefore, we turn to the Licensing (Amendment) Bill and I call on the mover, Mr Singer, to move clause 1.

Mr Singer: Thank you, Mr Speaker.
With your permission may I move clauses 1 and 2 together?

The Speaker: You may.

Mr Singer: Clause 1 makes provision for the resulting Act's short title.
Clause 2 provides for the resulting Act to expire on the day after its promulgation and this is now a standard provision in new Acts.
Mr Speaker, I move clauses 1 and 2 stand part of the Bill.

Mr Watterson: I beg to second and reserve my remarks.

The Speaker: The question that clauses 1 and 2 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Clause 3.

Mr Singer: Thank you, Mr Speaker.
Clause 3(a) makes a minor clerical amendment inserting the word 'or'.
Clause 3(b) substitutes section 74(2)(b) of the 1995 Act now allowing a police officer to dispose of liquor seized from a person under 18 in a manner he considers appropriate.
I move that clause 3 stand part of the Bill.

Mr Watterson: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 3 do stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.
Clause 4, Mr Singer.

Mr Singer: Thank you, Mr Speaker.
Clause 4(1): this clause substitutes section 76 of the Licensing Act 1995, drinking in public places. The 1995 Act specifies where offences take place in a 'designated place'. This now substitutes that with 'public place', and in subsection (8) of the definitions of 'public place' this is defined as any highway, any place, at the particular time to which the public has access on payment or otherwise as of right or implied permission.
'Public place' does not mean a place within the curtilage of any on-licence or club premises or premises at which liquor is or has been sold within the previous 15 minutes and been authorised by an occasional licence.
Subsection (2) limits the circumstances under which a police officer may give a warning not to consume alcohol in a public place. The person must be acting in a specific manner or using indecent or obscene language before the warning can be given. The method of showing what is a designated place has been removed as this provision applies to any public space.
Clause 4(2) repeals section 15 of the Licensing (Amendment) Act 2001, which is consequential on agreeing this clause 4.

I therefore move, Mr Speaker, that clause 4 stand part of the Bill.

The Speaker: Mr Watterson.

Mr Watterson: I beg to second and reserve my remarks, sir.

The Speaker: No one wishes to speak?
I put the question that clause 4 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
That brings us to the conclusion of the clauses stage of the Licensing (Amendment) Bill and it concludes the business of the House today.

The House will now stand adjourned until the next sitting, which will take place at 10 o'clock on 13th November in this Chamber.