



## LICENSING ACT 1995

### LICENSING (AMENDMENT) REGULATIONS 2011

*Approved by Tynwald*      12 April 2011

*Coming into operation*      1 May 2011

The Department of Home Affairs makes these Regulations under section 9 of the Licensing Act 1995<sup>1</sup>.

**1. Title**

These Regulations are the Licensing (Amendment) Regulations 2011.

**2. Commencement**

If approved by Tynwald<sup>2</sup>, these Regulations will come into operation on 1 May 2011.

**3. Amendment of the Licensing Regulations 1996**

The Licensing Regulations 1996<sup>3</sup> are amended as follows.

**4. Regulation 2 (interpretation) amended**

In regulation 2(1) after the definition of “the Act” insert –

““banned person” means a person against whom an order under section 33(4) or 75(5) of the Act is in force;

“the Department” means the Department of Home Affairs;

“registered” in relation to a doorkeeper or guard means registered on a list maintained by the Department under section 40 of the Act; and”

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<sup>1</sup> c.8 1995

<sup>2</sup> As required by section 81 of the Licensing Act 1995

<sup>3</sup> SD 198/96 as amended by SD 395/96 and SD 806/04

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5. **Regulation 7 (charitable function licence) amended**

- (1) Regulation 7 is amended as follows.
- (2) In paragraph (1)—
  - (a) for “Subject to paragraph (2)” substitute “Subject to paragraphs (2) to (4)”; and
  - (b) after sub-paragraph (a) insert —
    - “(aa) a banned person is not permitted to attend;
    - (ab) a banned person is not allowed to purchase or consume alcohol on the premises to which the charitable function licence applies;
    - (ac) the holder of the licence must not —
      - (i) get drunk;
      - (ii) sell or supply liquor to a drunken person;
      - (iii) sell or supply alcohol to a minor;
      - (iv) employ a minor to sell or serve alcohol;
      - (v) permit any violent, quarrelsome or disorderly behaviour;  
or
      - (vi) permit drunkenness;on the premises to which the charitable function licence applies;
    - (ad) if a doorkeeper or guard is employed on the premises to which the charitable function licence applies, the holder of that licence must ensure that the doorkeeper or guard is registered;”
- (3) In paragraph (2) after “(1)(a),” insert “(aa),”.
- (4) At the end of the regulation add —
  - “(3) In proceedings for a breach of the condition in paragraph (1)(aa), it is a defence to show that the holder of the occasional licence, and the persons employed by the holder, took all reasonable steps to prevent a banned person from attending.
  - (4) In proceedings for breaching the condition specified in sub-paragraph 1(ac)(vi), if it is proved a person was drunk on the premises, it is a defence for the holder of the licence to show that the holder, and the persons employed by the holder, took all reasonable steps for preventing drunkenness on the premises.”

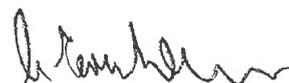
**6. Regulation 7A (occasional function licence) inserted**

After regulation 7 insert –

**“ Occasional function licence**

- 7A (1) Subject to paragraphs (2) to (4), an occasional function licence may be granted subject to the following conditions –
- (a) a banned person is not allowed to enter the premises to which the occasional function applies;
  - (b) a banned person is not allowed to purchase or consume alcohol on the premises to which the occasional function licence applies;
  - (c) the holder of the occasional licence must not –
    - (i) get drunk;
    - (ii) sell or supply liquor to a drunken person;
    - (iii) employ a minor to sell or serve alcohol;
    - (iv) permit any violent, quarrelsome or disorderly behaviour; or
    - (v) permit drunkenness;on the premises to which the occasional function licence applies; and
  - (d) if a doorkeeper or guard is employed on the premises to which the occasional function licence applies, the holder of that licence must ensure that the doorkeeper or guard is registered.
- (2) The court may direct in any particular case that an occasional function licence will be granted without the condition specified in paragraph (1)(a).
- (3) In proceedings for breaching the condition specified in paragraph (1)(a), it is a defence for the holder of the occasional licence to show that the holder, and the persons employed by the holder, took all reasonable steps to prevent a banned person from entering the premises.
- (4) In proceedings for breaching the condition specified in subparagraph 1(c)(v), if it is proved a person was drunk on the premises, it is a defence for the holder of the occasional licence to show that the holder, and the persons employed by the holder, took all reasonable steps for preventing drunkenness on the premises.”

Made <sup>28<sup>th</sup></sup> March 2011



Minister for Home Affairs

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Licensing Regulations 1996 by modifying the standard conditions of licences for holders of charitable function licences and inserting new standard conditions of licences for holders of occasional function licences.

Subject to variation by the Licensing Court, these amendments impose a condition upon a holder of an occasional function licence or a charitable function licence so as to require all reasonable measures to be taken to prevent a person against whom an order under section 33(4) or 75(5) of the Act is in force from entering the premises relating to the licence and, if they are allowed entry to these premises, requires the licence holder to prevent such a person being served or consuming alcohol on the premises.

These amendments also impose conditions upon all holders of occasional and charitable function licences requiring them to refrain from getting drunk and to take reasonable measures to prevent drunken, violent, quarrelsome or disorderly behaviour on the premises pertaining to their licence. Other conditions imposed by the amendments prohibit the holders of such licences from serving alcohol to a person who is drunk and from employing a minor to serve or sell alcohol. In addition, if holders of occasional and charitable function licences employ persons as security staff on the premises, those persons must be registered in accordance with section 40 of the Act.

Finally, these amendments also prohibit the holder of a charitable function licence from selling or supplying alcohol to a minor. This condition already applies to the holder of an occasional function licence under sections 23 and 24 of the Act.