

LA 61 ADDENDA

Guidance notes relating to completion of the form *'Declaration for a club premises certificate to be granted under the Licensing Act 2003'* (LA 61)

Section 61 'Qualifying clubs' states:

- (1) This section applies for determining for the purposes of this Part whether a club is a qualifying club in relation to a qualifying club activity.
 - (2) A club is a qualifying club in relation to the supply of alcohol to members or guests if it satisfies both –
 - (a) the general conditions in section 62, and
 - (b) the additional conditions in section 64.
 - (3) A club is a qualifying club in relation to the provision of regulated entertainment if it satisfies the general conditions in section 62.
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Section 62 'The General conditions' states:

- (1) The general conditions which a club must satisfy if it is to be a qualifying club in relation to a qualifying club activity are the following.

Pertaining to Declarations 1, 2 & 3

- (2) **Condition 1** is that under the rules of the club persons may not –
 - (a) be admitted to membership, or
 - (b) be admitted, as candidates for membership, to any of the privileges of membership, without an interval of at least two days between their nomination or application for membership and their admission.
- (3) **Condition 2** is that under the rules of the club persons becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of at least two days between their becoming members and their admission.

Pertaining to Declaration 3

- (4) **Condition 3** is that the club is established and conducted in good faith as a club (see section 63).

Pertaining to Declarations 1 & 3

- (5) **Condition 4** is that the club has at least 25 members.

Pertaining to Declaration 3

- (6) **Condition 5** is that alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of members of the club.

Section 63 'Determining whether a club is established and conducted in good faith' states:

- (1) In determining for the purposes of condition 3 in subsection (4) of section 62 whether a club is established and conducted in good faith as a club, the matters to be taken into account are those specified in subsection (2).
- (2) Those matters are –
 - (a) any arrangements restricting the club's freedom of purchase of alcohol;
 - (b) any provision in the rules, or arrangements, under which –
 - (i) money or property of the club, or
 - (ii) any gain arising from the carrying on of the club,is or may be applied otherwise than for the benefit of the club as a whole or for charitable, benevolent or political purposes;
 - (c) the arrangements for giving members information about the finances of the club;
 - (d) the books of account and other records kept to ensure the accuracy of that information;
 - (e) the nature of the premises occupied by the club.
- (3) If a licensing authority decides for any purpose of this Act that a club does not satisfy condition 3 in subsection (4) of section 62, the authority must give the club notice of the decision and of the reasons for it.

Section 64 'The additional conditions for the supply of alcohol' states:

- (1) The additional conditions which a club must satisfy if it is to be a qualifying club in relation to the supply of alcohol to members or guests are the following.

Pertaining to Declaration 3

- (2) **Additional condition 1** is that (so far as not managed by the club in general meeting or otherwise by the general body of members) the purchase of alcohol for the club, and the supply of alcohol by the club, are managed by a committee whose members –
 - (a) are members of the club;
 - (b) have attained the age of 18 years; and
 - (c) are elected by the members of the club.This subsection is subject to section 65 (which makes special provision for industrial and provident societies, friendly societies etc.).
- (3) **Additional condition 2** is that no arrangements are, or are intended to be made for any person to receive at the expense of the club any commission, percentage or similar payment on, or with reference to, purchases of alcohol by the club.
- (4) **Additional condition 3** is that no arrangements are, or are intended to be, made for any person directly or indirectly to derive any pecuniary benefit from the supply of alcohol by or on behalf of the club to members or guests, apart from –
 - (a) any benefit accruing to the club as a whole, or
 - (b) any benefit which a person derives indirectly by reason of the supply giving rise or contributing to a general gain from the carrying on of the club.

Section 65 'Industrial and provident societies, friendly societies etc.' states:

- (1) Subsection (2) applies in relation to any club which is –
 - (a) a registered society, within the meaning of the Industrial and Provident Societies Act 1965 (c. 12) (see section 74(1) of that Act),
 - (b) a registered society, within the meaning of the Friendly Societies Act 1974 (c.46) (see section 111(1) of that Act), or
 - (c) a registered friendly society, within the meaning of the Friendly Societies Act 1992 (c. 40) (see section 116 of that Act).

- (2) Any such club is to be taken for the purposes of this Act to satisfy additional condition 1 in subsection (2) of section 64 if and to the extent that –
 - (a) the purchase of alcohol for the club, and
 - (b) the supply of alcohol by the club,are under the control of the members or of a committee appointed by the members.

- (3) References in this Act, other than this section, to –
 - (a) subsection (2) of section 64, or
 - (b) additional condition 1 in that subsection,are references to it as read with subsection (1) of this section.

- (4) Subject to subsection (5), this Act applies in relation to an incorporated friendly society as it applies in relation to a club, and accordingly –
 - (a) the premises of the society are to be treated as the premises of a club,
 - (b) the members of the society are to be treated as the members of the club, and
 - (c) anything done by or on behalf of the society is to be treated as done by or on behalf of the club.

- (5) In determining for the purposes of section 61 whether an incorporated friendly society is a qualifying club in relation to a qualifying club activity, the society is to be taken to satisfy the following conditions –
 - (a) condition 3 of subsection (4) of section 62,
 - (b) condition 5 in subsection (6) of that section,
 - (c) the additional conditions in section 64.

- (6) In this section “incorporated friendly society” has the same meaning as in the Friendly Societies Act 1992 (see section 116 of that Act).

Section 66 “Miners’ welfare institutes” states:

Pertaining to Declaration 2

- (4) **The first condition** is that –
 - (a) the institute is managed by a committee or board, and
 - (b) at least two thirds of the committee or board consists –
 - (i) partly of persons appointed or nominated, or appointed or elected from among persons nominated, by one or more licensed operators within the meaning of the Coal Industry Act 1994 (c.21), and
 - (ii) partly of persons appointed or nominated, or appointed or elected from among persons nominated, by one or more organisations representing persons employed in or about coal mines.

- (5) **The second condition** is that –
- (a) the institute is managed by a committee or board, but
 - (b) the making of –
 - (i) an appointment or nomination falling within subsection (4)(b)(i), or
 - (ii) an appointment or nomination falling within subsection (4)(b)(ii),is not practicable or would not be appropriate , and
 - (c) at least two thirds of the committee or board consists –
 - (i) partly of persons employed, or formerly employed, in or about coal mines, and
 - (ii) partly of persons appointed by the Coal Industry Social Welfare Organisation or a body or person to which the functions of that Organisation have been transferred under section 12(3) of the Miners' Welfare Act 1952 (c.23).