

## **Changes in legislation due to affect BIIAB qualifications**

### **Legal Aid, Sentencing and Punishment of Offenders Act 2012**

On the 11<sup>th</sup> March 2015, section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 came into effect. The main effect of this section was the removing of the former 'cap' applicable to fines issued by Magistrates' Courts. Fines under the Licensing Act 2003 that were previously capped to either £5,000 or £20,000 are no longer capped, allowing Magistrates Courts to issue unlimited fines.

The tables below identify where these changes are required to BIIAB qualifications.

Assessment will be affected by these changes. However, no candidates will be disadvantaged by these changes.

### **Deregulation Act 2015**

The Deregulation Act 2015 has been passed by parliament which has made the following amendments to the Licensing Act 2003:

- The requirement to renew personal licences has been abolished with effect from 1<sup>st</sup> April 2015
- The offence of selling liqueur confectionary to under 16 will be repealed with effect from 26<sup>th</sup> May 2015
- The requirement to report lost or stolen licences to the police before applying for duplicates will be abolished with effect from 26<sup>th</sup> May 2015
- The limit on the number of temporary events that can be held at single premises will increase from 12 to 15 per year from 1<sup>st</sup> January 2016

The below tables identify where these changes are required to BIIAB qualifications.

Assessment will be affected by these changes, in regards to questions on renewals no candidates will be disadvantaged by these changes.

### **The Legislative Reform (Entertainment Licensing) Order 2014**

The Legislative Reform (Entertainment Licensing) Order 2014 is due to come into force on the 6<sup>th</sup> April 2015 which will affect the contents of some of our qualifications which are identified in the tables below.

Please note that assessment will not be affected by these changes.

**BIIAB Level 2 Award for Personal Licence Holders – Handbook (A4 Orange Book)  
Edition 4 October 2014**

<b>Section and Page Number</b>	<b>Text to be updated</b>
3.2 Period of validity, Page 19	Delete the text under 3.2 and replace with:  <i>A personal licence has effect indefinitely.</i>
4. Procedures for Application and Renewal of a Personal Licence, Page 20	Delete <i>and Renewal</i> from the heading
4. Procedures for Application and Renewal of a Personal Licence, Page 20	Assessment Criteria  2 <sup>nd</sup> bullet delete ' <i>and renewal</i> '  3 <sup>rd</sup> bullet delete ' <i>or renewal</i> '
4.2 Initial grant of a personal licence, Page 21	c) delete ' <i>(a fine of up to £5,000)</i> ' and replace with ' <i>(an unlimited fine)</i> '
4.5 Renewal, Page 22	Delete section ' <i>4.5 Renewal</i> '  Renumber the following sections  4.6 should now be 4.7  4.7 should now be 4.6  4.8 should now be 4.7  4.9 should now be 4.8  4.10 should now be 4.9  4.11 should now be 4.10
4.8 Notifying the licensing authority of a conviction during application period, Page 24	a) delete ' <i>or renewal</i> '
4.9 Notification of a conviction after grant or renewal	Delete ' <i>or renewal</i> ' from heading
5. Duties of a Personal Licence Holder, Page 26	Assessment Criteria  3 <sup>rd</sup> bullet delete ' <i>renewed,</i> '
5.7 Offences under the licensing Act 2003 specific to personal licence holders, Page 27	a) 1 <sup>st</sup> bullet delete ' <i>or renewal</i> '
6.4 Regulated entertainment, Page 30	b) 5 <sup>th</sup> bullet replace with: ' <i>Performance of live music, or the playing of recorded music under certain circumstances (see below for exceptions to this)</i> '

	<p>b) 6<sup>th</sup> bullet delete bullet</p> <p>d) insert <i>'or the playing of recorded music'</i> between <i>'unamplified,'</i> and <i>'will not'</i></p> <p>d) 4<sup>th</sup> bullet replace text with <i>'In the case of live music or the playing of recorded music the audience consists of no more than 500 people.'</i></p> <p>g) delete <i>'200'</i> and replace with <i>'500'</i></p>
7.5 Mandatory conditions on a premises licence, Page 34	<p>b) delete <i>'a maximum fine of £20,000'</i> and replace with <i>'an unlimited fine'</i></p> <p>d) delete <i>'a fine of £20,000'</i> and replace with <i>'an unlimited fine'</i></p>
10.1 Temporary events, Page 46	c) 2 <sup>nd</sup> bullet insert <i>'(this increases to 15 times from 1<sup>st</sup> January 2016)'</i> at the end of the bullet
12.1 The law relating to unauthorised licensable activities, Page 51	c) delete <i>'a fine of £20,000'</i> and replace with <i>'an unlimited fine'</i>
12.2 Unauthorised sales of alcohol, Page 51	b) delete <i>'a fine of £20,000'</i> and replace with <i>'an unlimited fine'</i>
13.1 Moving vehicles, Page 53	b) delete <i>'a £20,000 fine'</i> and replace with <i>'an unlimited fine'</i>
13.2 Power to prohibit the sale of alcohol on trains, Page 53	d) delete <i>'a £20,000 fine'</i> and replace with <i>'an unlimited fine'</i>
16.5 Offences relating to the sale of alcohol to children, Page 60	c) delete <i>'The penalty for this offence is a fine not exceeding £20,000'</i> and replace with <i>'The penalty for this offence is an unlimited fine'</i>
16.10 Sale of cigarettes and other age-related products to children, Page 61	<p>2<sup>nd</sup> bullet insert text at the end:</p> <p><i>(From 26<sup>th</sup> May 2015 the offence of selling liqueur confectionary to under 16 will be repealed)</i></p>
16.14 Penalties, Page 62	a) Delete <i>(i.e. they can attract a fine of up to £5,000)</i> and replace with <i>'(unlimited fine)'</i>
Appendix 2 – Offences and Penalties, Page 87 and 88	<p>The following sections delete <i>'£20,000'</i> and replace with <i>'an unlimited fine'</i></p> <p>Section 147A Section 136 Section 137 Section 156 Section 157 Section 161 Section 165 Section 168</p>
Appendix 3 – Fine Levels, Page 89	Delete <i>'£5,000'</i> and replace with <i>'unlimited fine'</i>
Appendix 6 – Appeals, Personal Licence, Page 90	<p>1<sup>st</sup> sentence delete <i>'or renewal'</i></p> <p>2<sup>nd</sup> sentence delete <i>'or renewal'</i></p> <p>3<sup>rd</sup> sentence delete <i>'or renewal'</i></p>

**BIIAB Level 2 Award for Personal Licence Holders – Workbook (A5 Red book)**  
**Edition 9 January 2015**

<b>Section and Page Number</b>	<b>Text to be updated</b>
Provision of regulated entertainment, Page 7	3 <sup>rd</sup> bullet replace with ' <i>Performance of live music, or the playing of recorded music under certain circumstances (see below for exceptions to this)</i> '  Delete 4 <sup>th</sup> bullet  3 <sup>rd</sup> paragraph insert ' <i>or the playing of recorded music</i> ' between ' <i>unamplified,</i> ' and ' <i>will not</i> '  4 <sup>th</sup> bullet under 3 <sup>rd</sup> paragraph Delete '200' and replace with '500'
Provision of regulated entertainment, Page 8	1 <sup>st</sup> paragraph, 2 <sup>nd</sup> bullet Delete '200' and replace with '500'
Licensing hearings and appeals, Page 10	3 <sup>rd</sup> bullet delete ' <i>or renew</i> '
Determination and grant of a personal licence, Page 14	Delete the last 2 paragraphs from this page.  Insert the text below: <i>'A personal licence has effect indefinitely.'</i>
Determination and grant of a personal licence, Page 15	Delete 1 <sup>st</sup> paragraph  2 <sup>nd</sup> paragraph delete ' <i>or renewal</i> '
Mandatory conditions on a premises licence, Page 21	Text that appears under the condition 2 box  Delete ' <i>a maximum fine of £20,000</i> ' and replace with ' <i>an unlimited fine</i> '
Mandatory conditions on a premises licence, Page 23	Text that appear under the condition 9 box  Delete ' <i>a maximum fine of £20,000</i> ' and replace with ' <i>an unlimited fine</i> '
What you need to know about, Page 25	5 <sup>th</sup> bullet  Delete ' <i>a maximum fine of £20,000</i> ' and replace with ' <i>an unlimited fine</i> '
Temporary Event Notices, Page 29	Add the text below to the end of ' <i>Only 12 TENs per year can take place at the same premises</i> '  <i>'(this increases to 15 times from 1st January 2016)'</i>
Moving vehicles, Page 33	Delete ' <i>a fine of £20,000</i> ' and replace with ' <i>an unlimited fine</i> '
Section 11 Unauthorised Licensable Activities and Due Diligence, Page 35	Delete ' <i>a fine of £20,000</i> ' and replace with ' <i>an unlimited fine</i> '
What you need to know about, Page 36	3 <sup>rd</sup> bullet

	Delete ' <i>a £20,000 fine</i> ' and replace with ' <i>an unlimited fine</i> '
Section 14 Protection of Children, Page 43	1 <sup>st</sup> paragraph  Delete ' <i>a fine of up to £20,000</i> ' and replace with ' <i>an unlimited fine</i> '
Section 14 Protection of Children, Page 43	2 <sup>nd</sup> bullet under ' <i>it is also illegal to sell:</i> ' add the following text to the end of the bullet  <i>(From 26<sup>th</sup> May 2015 the offence of selling liqueur confectionary to under 16 will be repealed)</i>
Section 14 Protection of Children, Page 44	Table of offences  Replace ' <i>(£5,000)</i> ' with ' <i>(an unlimited fine)</i> '
Specimen questions, Page 54	Delete question 6 and question 8  Update the numbers of the following questions

**BIIAB Level 1 Award in Responsible Alcohol Retailing  
Edition 12 November 2012**

<b>Section and Page Number</b>	<b>Text to be updated</b>
2.5 Sale of alcohol outside the hours stated in the premises licence, Page 18	c) delete ' <i>or a fine of £20,000</i> ' and replace with ' <i>or an unlimited fine</i> '
3.3 Penalties for selling alcohol to children, Page 20	b) delete ' <i>A fine of up to £5,000</i> ' and replace with ' <i>An unlimited fine</i> '  d) delete ' <i>a fine not exceeding £20,000</i> ' and replace with ' <i>an unlimited fine</i> '
3.5 Sale of cigarettes and other age-related products to children, Page 22	5 <sup>th</sup> bullet add below text to the end:  <i>'(From 26<sup>th</sup> May 2015 the offence of selling liqueur confectionary to under 16 will be repealed)'</i>
5.4 The current fines for selling alcohol to a drunk or a child, page 39	e) delete ' <i>up to £5,000</i> ' and replace with ' <i>up to an unlimited</i> '

**BIIAB Level 2 Award in Designated Premises Supervisors Handbook  
January 2015**

<b>Section and Page Number</b>	<b>Text to be updated</b>
1.5 The liabilities of the designated premises supervisor, Page 12	a) 1 <sup>st</sup> bullet delete <i>'or renewal'</i>  f) delete <i>'a fine of £20,000'</i> and replace with <i>'an unlimited fine'</i>
2.3 Regulated entertainment, Page 17	c) E add <i>'or recorded music'</i> after <i>'music'</i>  Delete F and update the numbering below
2.3 Regulated entertainment, Page 18	f) insert <i>'or the playing of recorded music'</i> between <i>'unamplified,'</i> and <i>'will not'</i>  f) 4 <sup>th</sup> bullet delete <i>200</i> and replace with <i>500</i>  h) delete <i>200</i> and replace with <i>500</i>
3.12 Mandatory conditions, Page 37	Last bullet  Delete <i>'a fine of up to £20,000'</i> and replace with <i>'an unlimited fine'</i>
7.6 Temporary Event Notices (TENS), Page 63	a) 4 <sup>th</sup> line insert text below after <i>'year'</i>  <i>'(this increases to 15 times from 1st January 2016)'</i>
Appendix 5 – Offences and Penalties, Page 95	Page 66 text  Delete <i>'of up to £20,000'</i> and <i>'of an unlimited fine'</i>  Fine levels  Delete <i>'£5,000'</i> and replace with <i>'an unlimited fine'</i>
4.5 Other age-restricted products, Page 41	a) 5 <sup>th</sup> bullet add the text below to the end  <i>'(From 26<sup>th</sup> May 2015 the offence of selling liqueur confectionary to under 16 will be repealed)'</i>

**BIIAB Level 2 Award in Assessment of Licensed Premises (Social Responsibility)**  
**1<sup>st</sup> Edition April 2008**

<b>Section and Page Number</b>	<b>Text to be updated</b>
3.9 The law relating to unauthorised licensable activities, Page 33	c) delete ' <i>a fine of £20,000</i> ' and replace with ' <i>an unlimited fine</i> '
Appendix 1 – Offences and Penalties, Page 95-96	The following sections delete ' <i>£20,000</i> ' and replace with ' <i>an unlimited fine</i> '  Section 136 Section 137 Section 156 Section 157 Section 161 Section 165 Section 168
Appendix 2 – Fine Levels, Page 98	Delete <i>£5,000</i> and replace with ' <i>unlimited fine</i> '



**BIIAB Level 2 Award for Licensing Practitioners (Alcohol)**  
**Edition 7 April 2014**

<b>Section and Page Number</b>	<b>Text to be updated</b>
2.6 The provision of regulated entertainment, Page 21	b) 5 <sup>th</sup> bullet insert ' <i>or playing of recorded music</i> ' after ' <i>music</i> ' delete 6 <sup>th</sup> bullet
2.6 The provision of regulated entertainment, Page 23 and 24	e) 3 <sup>rd</sup> bullet insert ' <i>or playing of recorded music</i> ' after ' <i>unamplified,</i> ' replace last point with: <i>'In the case of live music or the playing of recorded music the audience consists of no more than 500 people.'</i> e) 5 <sup>th</sup> bullet delete ' <i>200</i> ' and replace with ' <i>500</i> '
2.11 Unauthorised licensable activities, Page 26	e) delete ' <i>a fine not exceeding £20,000</i> ' and replace with ' <i>an unlimited fine</i> '
3.2 Prohibition of alcohol sales in or from certain premises, Page 28	a) delete ' <i>a maximum fine of £20,000</i> ' and replace with ' <i>an unlimited fine</i> '
3.2 Prohibition of alcohol sales in or from certain premises, Page 29	d) 4 <sup>th</sup> bullet delete ' <i>a maximum fine of £20,000</i> ' and replace with ' <i>an unlimited fine</i> '
8.2 Limitations on temporary events, Page 62	a) 3 <sup>rd</sup> bullet
9.2 Duration of a personal licence, Page 66	Delete b) insert text below after ' <i>year</i> '  <i>'(this increases to 15 times from 1st January 2016)'</i>
9.10 Notification responsibilities of the licence holder and the courts, Page 70	c) delete ' <i>or renewal</i> '
9.11 Offences under the Licensing Act 2003, Page 70	a) 1 <sup>st</sup> bullet delete ' <i>or renewal</i> '
9.14 Renewal, Page 71 – 72	Delete the whole section - 9.14 Renewal
10.1 When must a hearing be held?, Page 73	b) 4 <sup>th</sup> bullet delete ' <i>or renewal</i> '
10.4 Notice of hearing, Page 74	Table delete the last row
11.2 Powers to close identified premises, Page 86	i) delete ' <i>a £20,000 fine</i> ' and replace with ' <i>an unlimited fine</i> '
Appendix 2 – Offences and Penalties, Page 97 and 98	The following sections delete ' <i>£20,000</i> ' and replace with ' <i>an unlimited fine</i> '  Section 147A Section 136 Section 137 Section 156

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