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STATUTORY INSTRUMENTS

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**2014 No. 1371**

**LICENCES AND LICENSING, WALES**

**The Licensing Act 2003 (Permitted Temporary Activities) (Notices and Fees) (Wales) Regulations 2014**

<i>Made</i>	- - - -	<i>29th May 2014</i>
<i>Laid before Parliament</i>		<i>30th May 2014</i>
<i>Coming into force</i>	- -	<i>31st May 2014</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 100(4), (5) and (7), 193(1) and 197(2) of the Licensing Act 2003(2).

**Citation, commencement and extent**

1. (1) These Regulations may be cited as the Licensing Act 2003 (Permitted Temporary Activities) (Notices and Fees) (Wales) Regulations 2014 and come into force on 31st May 2014.
- (2) These Regulations apply only in relation to Wales.

**Interpretation**

2. In these Regulations—
  - a “temporary event notice (2014 FIFA World Cup)” means a temporary event notice to which regulation 3 applies; and
  - the “tournament” means the external tournament known as the 2014 FIFA (Fédération Internationale de Football Association) World Cup in Brazil.

**Permitted temporary activities: temporary event notice (2014 FIFA World Cup)**

3. This regulation applies to a temporary event notice which—
  - (a) does not relate to the use of premises for—
    - (i) the sale by retail of alcohol for consumption off the premises;
    - (ii) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption off the premises;

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(1) See definition of “prescribed” and “regulations”.

(2) 2003 c. 17.

- (iii) the provision of regulated entertainment; or
  - (iv) the provision of late night refreshment if the premises are not at the same time used for the sale by retail of alcohol for consumption on the premises or the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption on the premises; and
- (b) relates to a licensable activity which is carried out at a time specified in regulation 4.
4. A specified time is—
- (a) the period beginning at 11pm on 14th June 2014 and ending at 1am on 15th June 2014;
  - (b) the period of four hours beginning at 8pm on 19th June 2014;
  - (c) the period of four hours beginning at 9pm on 28th June 2014, provided that the Men's Senior England Football Team play in the tournament match which begins at 9pm on 28th June 2014;
  - (d) the period of four hours beginning at 9pm on 29th June 2014, provided that the Men's Senior England Football Team play in the tournament match which begins at 9pm on 29th June 2014;
  - (e) the period of four hours beginning at 9pm on 4th July 2014, provided that the Men's Senior England Football Team play in the tournament match which begins at 9pm on 4th July 2014;
  - (f) the period of four hours beginning at 9pm on 5th July 2014, provided that the Men's Senior England Football Team play in the tournament match which begins at 9pm on 5th July 2014;
  - (g) the period of four hours beginning at 9pm on 8th July 2014, provided that the Men's Senior England Football Team play in the tournament match which begins at 9pm on 8th July 2014;
  - (h) the period of four hours beginning at 9pm on 9th July 2014, provided that the Men's Senior England Football Team play in the tournament match which begins at 9pm on 9th July 2014;
  - (i) the period of four hours beginning at 9pm on 12th July 2014, provided that the Men's Senior England Football Team play in the tournament match which begins at 9pm on 12th July 2014; and
  - (j) the period of four hours beginning at 8pm on 13th July 2014, provided that the Men's Senior England Football Team play in the tournament match which begins at 8pm on 13th July 2014.

**Form of temporary event notice (2014 FIFA World Cup)**

5. The prescribed form for a temporary event notice (2014 FIFA World Cup) is set out in the Schedule.

**Fee for temporary event notice (2014 FIFA World Cup)**

6. The prescribed fee in relation to a temporary event notice (2014 FIFA World Cup) is £0.

### **Amendment to the Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005**

7. (1) The Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005(3) are amended in accordance with paragraph (2).

(2) For regulation 3(1) substitute—

“3. (1) Subject to paragraph (1A), the prescribed form for a temporary event notice is set out in Schedule 1.

(1A) Paragraph 1 does not apply to a temporary event notice (2014 FIFA World Cup) within the meaning of the Licensing Act 2003 (Permitted Temporary Activities) (Notices and Fees) (Wales) Regulations 2014(4).”.

### **Amendment to the Licensing Act 2003 (Fees) Regulations 2005**

8. (1) The Licensing Act 2003 (Fees) Regulations 2005(5) are amended in accordance with paragraph (2).

(2) For regulation 8 substitute—

“8. (1) Subject to paragraph (2), in the case of an application or a notice listed in column 1 of the table in Schedule 6, a person making that application or giving that notice shall accompany it with a fee, the amount of which is specified in column 2 of that table.

(2) Paragraph 1 does not apply to a temporary event notice (2014 FIFA World Cup) within the meaning of the Licensing Act 2003 (Permitted Temporary Activities) (Notices and Fees) (Wales) Regulations 2014.”.

29th May 2014

*Damian Green*  
Minister of State  
Home Office

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(3) [S.I. 2005/2918](#), as amended by [S.I. 2012/960](#) and [S.I. 2012/2290](#).

(4) [S.I. 2014/1371](#).

(5) [S.I. 2005/79](#), as amended by [S.I. 2005/357](#) and [S.I. 2009/1809](#).

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SCHEDULE

Regulation 5

Please describe the nature of the event below. (Please read note 5)

3. The licensable activities	
Please tick the licensable activities you intend to carry on at the premises. (Please read note 6)	
The sale by retail of alcohol (for consumption on the premises) (Please read note 7)	<input type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club (for consumption on the premises) (Please read note 7)	<input type="checkbox"/>
The provision of late night refreshment	<input type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 8)	<input type="checkbox"/>
Please state the date(s) (by reference to the dates and times listed below) on which you intend to use these premises for licensable activities (please tick the date(s) below). (Please read note 9)	
The period of two hours beginning at 11pm on 14th June 2014	<input type="checkbox"/>
The period of four hours beginning at 8pm on 19th June 2014	<input type="checkbox"/>
The period of four hours beginning at 9pm on 28th June 2014	<input type="checkbox"/>
The period of four hours beginning at 9pm on 29th June 2014	<input type="checkbox"/>
The period of four hours beginning at 9pm on 4th July 2014	<input type="checkbox"/>
The period of four hours beginning at 9pm on 5th July 2014	<input type="checkbox"/>
The period of four hours beginning at 9pm on 8th July 2014	<input type="checkbox"/>
The period of four hours beginning at 9pm on 9th July 2014	<input type="checkbox"/>
The period of four hours beginning at 9pm on 12th July 2014	<input type="checkbox"/>
The period of four hours beginning at 8pm on 13th July 2014.	<input type="checkbox"/>
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)	

4. Personal licence holders (Please read note 11)		
Do you currently hold a valid personal licence? (Please tick)	Yes <input type="checkbox"/>	No <input type="checkbox"/>

If "Yes" please provide the details of your personal licence below.	
Issuing licensing authority	
Licence number	
Date of issue	
Date of expiry	
Any further relevant details	

5. Previous temporary event notices you have given (Please read note 12 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

6. Associates and business colleagues (Please read note 13 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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b) begins 24 hours or less after the event period proposed in this notice?		
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7. Checklist (Please read note 14)	
I have: (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Signed the declaration in Section 9 below	<input type="checkbox"/>

8. Condition (Please read note 15)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 16)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	
Name of Person signing	

For completion by the licensing authority

10. Acknowledgement (Please read note 17)
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I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

NOTES

General

In these notes, a person who gives a temporary event notice is called a "premises user".

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 8 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);

the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);

the number of times a temporary event notice may be given in respect of any particular premises (12 times in a calendar year);

the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year); and

the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices. Note 13 below sets out the definition of an "associate".

When permitted temporary activities take place, a premises user must ensure that either:

a copy of the temporary event notice is prominently displayed at the premises; or

the temporary event notice is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.

Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.



Where the temporary event notice or a notice specifying the nominated person is not displayed, a constable or an authorised person (for example, a licensing officer, fire officer or environmental health officer) may require the premises user to produce the temporary event notice for examination. Similarly, where the nominated person has the temporary event notice in his custody, a constable or authorised person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

It should also be noted that the following, among other things, are offences under the Licensing Act 2003:

the sale or supply of alcohol to children under 18 years of age (maximum fine on conviction is a fine not exceeding level 5 on the standard scale, currently £5,000);

allowing the sale of alcohol to children under 18 (maximum fine on conviction is a fine not exceeding level 5 on the standard scale, currently £5,000);

knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (maximum fine on conviction is a fine not exceeding level 5 on the standard scale, currently £5,000);

allowing disorderly behaviour on the premises (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000);

the sale of alcohol to a person who is drunk (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000);

obtaining alcohol for a person who is drunk (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000);

knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply has been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (maximum fine on conviction is a fine not exceeding level 1 on the standard scale, currently £200); and

knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000).

In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises, it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult. In both instances, the penalty on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000.

#### Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed "premises user". Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user.

If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

#### Note 2

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For the purposes of the Licensing Act 2003, “premises” means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

not to give a counter notice under section 105 of the Licensing Act 2003;  
the conditions apply to the licence or certificate; and  
the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection.

Note 6

Please refer to Schedule 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to the provision of late night refreshment.

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

Note 7

If alcohol will be sold or supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a sale or supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity.

Note 8

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days

before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

Note 9

The selection of a date is treated as giving a temporary event notice in relation to the activities it is proposed will be undertaken on that date at the times shown. For example, selecting three dates will be treated as giving three temporary event notices in relation to carrying on licensable activities on those dates at the times shown for each date. To ensure that the premises is authorised to be used to carry on licensable activities in respect of all matches during the FIFA World Cup 2014 in which England may play, you may give more temporary event notices than will be required; for example, this will be the case if England do not progress to the final stages of the tournament. As soon as it becomes known that England is not playing in a particular match, a temporary event notice given in respect of that match may be withdrawn. A temporary event notice can be withdrawn no later than 24 hours before the beginning of the event to which it relates.

Note 10

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 includes not only the audience, spectators or consumers but also, for example, staff, organisers, stewards and performers who will be present on the premises.

Note 11

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

Note 12

As stated under Note 11, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 10 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1st January to 31st December inclusive in any year.

If an event straddles two calendar years, it will count against the limits on temporary event notices (12 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year. However, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 14 below sets out the definition of an "associate".

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or

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within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user. Note 13 below sets out the definition of an "associate".

Note 13

An "associate" of the proposed premises user is:

- a. the spouse or civil partner of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse or civil partner of a person within (b) or (c).

For these purposes, a person living with another as that person's husband or wife is to be treated as that person's spouse.

Note 14

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (or five working days for a late notice) before the commencement of the proposed licensable activities. The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary. Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the further police force and local authority exercising environmental health functions.

Note 15

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution.

Note 16

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement.) To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.

Note 17

You should not complete section 10 of the notice, which is for use by the licensing authority. It may complete this section as one means of giving you written acknowledgement of its receipt of the notice.

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## EXPLANATORY NOTE

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

These Regulations prescribe a form of temporary event notice (“temporary event notice (2014 FIFA World Cup”), in respect of which no fee is payable, for use by premises users in Wales in relation to certain licensable activities at certain times.

Regulation 3 has the effect that a temporary event notice (2014 FIFA World Cup) may only be given in relation to the sale of alcohol for consumption on the premises, the supply of alcohol by a club for consumption on the premises and the provision of late night refreshment if the premises are at the same time used for the sale of alcohol for consumption on the premises or the supply of alcohol by a club for consumption on the premises.

Regulation 3 also provides that a temporary event notice (2014 FIFA World Cup) may only be given in relation to a licensable activity which is carried on at one or more of the times specified in regulation 4.

Regulation 4 prescribes a specified time as a period during and immediately after the times at which the Men’s Senior England Football Team play in the group matches in the FIFA World Cup 2014 on 14th and 19th June 2014, and a period during and immediately after the times at which the Men’s Senior England Football Team may play in matches in subsequent rounds of the FIFA World Cup 2014 provided the team qualifies to play in one or more of those matches.

Regulation 5 prescribes the form of a temporary event notice (2014 FIFA World Cup).

Regulation 6 prescribes that the fee in relation to a temporary event notice (2014 FIFA World Cup) is £0.

Regulations 7 and 8 make consequential amendments to the Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005 and Licensing Act 2003 (Fees) Regulations 2005.

A full regulatory impact assessment on the effect that this instrument will have on the costs of business and the voluntary sector is annexed to the Explanatory Memorandum which is available alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).