

QUALIFYING CLUB CONDITIONS

[Sections 61, 62, 64 and 66 Licensing Act 2003]

- Condition 1:** 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 least two days between their nomination or application for membership and their admission.
- Condition 2:** 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.
- Condition 3:** the club is established and conducted in good faith as a club. In determining this, the following matters are to be taken into account –
- 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 any records kept to ensure the accuracy of that information;
 - e) the nature of the premises occupied by the club.
- Condition 4:** the club has at least 25 members;
- Condition 5:** alcohol is not supplied, or intended to be supplied, to the members on the premises otherwise than by or on behalf of the club.

Miners' Welfare Institutes

- Condition 6:** 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, 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 coalmines.
- Condition 7:** that,
- (a) the institute is managed by committee or board, but
 - (b) the making of an appointment or nomination as in (b) (i) and (ii) of the first condition 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

Additional conditions for the supply of alcohol –

- Condition 8:** 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

[Please note – there special provisions set out under Section 65 for industrial & provident societies, friendly societies etc]

- Condition 9:** 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, purchase of alcohol by the club.

- Condition 10:** 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.

Industrial and provident societies, friendly societies etc

1. Any such club is taken to satisfy Condition 8 if and to the extent that –
 - (a) the purchase of alcohol for the club, and
 - (b) the supply of alcohol by the clubare under the control of members or of a committee appointed by the members
2. “Incorporated Friendly Society” has the same meaning as in the Friendly Societies Act 1992 and in determining whether an incorporated friendly society is a qualifying club in relation to a qualifying club activity, the society is to be taken to satisfy Conditions 3, 5, 8, 9 and 10 specified above.