Draft Order laid before Parliament under section 197(4) of the Licensing Act 2003 (c. 17), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2026 No.

LICENCES AND LICENSING, ENGLAND AND WALES

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2026

Made - - - - ***

Coming into force in accordance with article 1(2)

The Secretary of State makes this Order in exercise of the powers conferred by sections 19A, 73B and 197(2) of the Licensing Act 2003(**a**).

In accordance with section 197(4) of that Act(**b**), a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

In accordance with sections 19A(1) and 73B(1) of that Act, the Secretary of State considers it appropriate for the promotion of the licensing objectives(**c**) to specify the conditions set out in this Order.

Citation, commencement and extent

1.—(1) This Order may be cited as the Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2026.

(2) This Order comes into force on the day after the day on which the Order is made.

(3) This Order extends to England and Wales.

Amendment of the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

2.—(1) Paragraph 3 of the Schedule to the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010(**d**) is amended as follows.

(2) In sub-paragraph (3), for "The policy" substitute "Subject to sub-paragraph (4), the policy".

(3) After sub-paragraph (3) insert—

(**a**) 2003 c. 17 ("the 2003 Act"); sections 19A and 73B were inserted by paragraphs 2 and 4 respectively of Schedule 4 to the Policing and Crime Act 2009 (c. 26).
(**b**) Section 197(4) was amended by paragraphs 29 and 44 of Schedule 7 to the Policing and Crime Act 2009; there are other amendments to this section but they are not relevant.
(**c**) See section 4(2) of the 2003 Act.
(**d**) S.I. 2010/860, amended by S.I. 2014/2440.

"(4) The age verification policy may make provision permitting a responsible person to accept identification in digital form ("relevant ID") instead of identification of a type described in sub-paragraph (3).

(5) Where provision envisaged by sub-paragraph (4) is included in the policy, the policy must make provision dealing with the circumstance described in paragraph (6).

(6) The circumstance in this sub-paragraph arises where—

(a) the responsible person has reason to believe that a person ("P") who seeks to be supplied with alcohol from a place to which the age verification policy applies has not attained the age of 18, or such greater age as the age verification policy may prescribe ("the relevant age"); and

(b) P has indicated their wish to use the relevant ID.

(7) When the circumstance in paragraph (6) arises, the policy must state—

(a) that P is obliged, upon the request of the responsible person, to make available to the responsible person the means by which their relevant ID may be verified; but

(b) that the responsible person may only accept P's relevant ID where the condition in sub-paragraph (8) applies.

(8) The condition in this sub-paragraph is that the responsible person is covered by an agreement with a DVSP ("the relevant DVSP") for the provision of digital verification services where—

(a) the relevant DVSP has agreed that it will confirm, in the course of providing its services to the responsible person, whether or not P has attained the relevant age;

(b) the relevant DVSP has agreed that it will deliver identification to the responsible person that reaches at least a medium level of confidence;

(c) that level of confidence has been verified by a DVSP, whether that DVSP is the relevant DVSP or another; and

(d) the relevant DVSP is registered as a provider of those services in accordance with Version 0.4 or Version 1.0 of the DVS trust framework(**a**).

(9) In this paragraph—

(a) "DVSP" means a person who provides digital verification services, and is included in the register maintained by the Secretary of State under section 32 (DVS register) of the Data (Use and Access) Act 2025 ("the 2025 Act")(**b**);

(b) "DVS trust framework" is to be construed in accordance with section 28 (DVS trust framework) of the 2025 Act;

(c) "medium level of confidence", in respect of identification described in sub-paragraph (8)(b), is to be construed in accordance with—

(i) Version 0.4(**c**) of the DVS trust framework, in the case that the relevant DVSP, or as the case may be, another DVSP provides the service described in sub-paragraph (8)(c), and is registered as a provider of that service, in the DVS register, in accordance with Version 0.4 of the DVS trust framework;

(**a**) Accessible at https://www.gov.uk/government/collections/uk-digital-verification-services-trust-framework.
(**b**) 2025 c. 18.
(**c**) https://www.gov.uk/government/collections/uk-digital-verification-services-trust-framework.

(ii) Version 1.0 of the DVS trust framework, in the case that the relevant DVSP, or as the case may be, another DVSP provides the service described in sub-paragraph (8)(c), and is registered as a provider of that service, in the DVS register, in accordance with Version 1.0 of the DVS trust framework.

(10) For the purposes of sub-paragraph (6) "supplied" is to be construed in accordance with section 14 of the Licensing Act 2003.

(11) Nothing in sub-paragraphs (4) to (10) prevents the supply of alcohol to a person based upon identification of a type described in sub-paragraph (3).".

Name
Parliamentary Under-Secretary of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Order)

Sections 19A and 73B of the Licensing Act 2003 (c. 17) provide for the Secretary of State to prescribe mandatory conditions applicable to relevant premises licences and club premises certificates. Relevant premises licences and relevant club premises certificates are those authorising the sale and supply of alcohol to the public in licensed premises or to members or guests of clubs in club premises.

This Order amends paragraph 3 of the Schedule to the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 (S.I. 2010/860) by making provision for the use of digital identification, further to the framework provided for in the Data (Use and Access) Act 2025 (c. 18).

Version 0.4 and Version 1.0 of the DVS trust framework are accessible at https://www.gov.uk/government/collections/uk-digital-verification-services-trust-framework. They may be obtained by writing to the Office for Digital Identities and Attributes (OfDIA), Department for Science, Innovation and Technology, 22-26 Whitehall, London SW1A 2EG.

An Economic Note assessing the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from www.legislation.gov.uk, published alongside the instrument.

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