



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 6

#### PERSONAL LICENCES

##### *Conviction of licence holder for relevant offence*

#### **128 Duty to notify court of personal licence**

- (1) Where the holder of a personal licence is charged with a relevant offence, he must, no later than the time he makes his first appearance in a magistrates' court in connection with that offence—
  - (a) produce to the court the personal licence, or
  - (b) if that is not practicable, notify the court of the existence of the personal licence and the identity of the relevant licensing authority and of the reasons why he cannot produce the licence.
- (2) Subsection (3) applies where a person charged with a relevant offence is granted a personal licence—
  - (a) after his first appearance in a magistrates' court in connection with that offence, but
  - (b) before—
    - (i) his conviction, and sentencing for the offence, or his acquittal, or,
    - (ii) where an appeal is brought against his conviction, sentence or acquittal, the disposal of that appeal.
- (3) At his next appearance in court in connection with that offence, that person must—
  - (a) produce to the court the personal licence, or
  - (b) if that is not practicable, notify the court of the existence of the personal licence and the identity of the relevant licensing authority and of the reasons why he cannot produce the licence.
- (4) Where—

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- (a) a person charged with a relevant offence has produced his licence to, or notified, a court under subsection (1) or (3), and
  - (b) before he is convicted of and sentenced for, or acquitted of, that offence, a notifiable event occurs in respect of the licence,
- he must, at his next appearance in court in connection with that offence, notify the court of that event.
- (5) For this purpose a “notifiable event” in relation to a personal licence means any of the following—
- (a) the making or withdrawal of an application for renewal of the licence;
  - (b) the surrender of the licence under section 116;
  - (c) the renewal of the licence under section 121;
  - (d) the revocation of the licence under section 124.
- (6) A person commits an offence if he fails, without reasonable excuse, to comply with this section.
- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

### **129 Forfeiture or suspension of licence on conviction for relevant offence**

- (1) This section applies where the holder of a personal licence is convicted of a relevant offence by or before a court in England and Wales.
- (2) The court may—
- (a) order the forfeiture of the licence, or
  - (b) order its suspension for a period not exceeding six months.
- (3) In determining whether to make an order under subsection (2), the court may take account of any previous conviction of the holder for a relevant offence.
- (4) Where a court makes an order under this section it may suspend the order pending an appeal against it.
- (5) Subject to subsection (4) and section 130, an order under this section takes effect immediately after it is made.

### **130 Powers of appellate court to suspend order under section 129**

- (1) This section applies where—
- (a) a person (“the offender”) is convicted of a relevant offence, and
  - (b) an order is made under section 129 in respect of that conviction (“the section 129 order”).
- (2) In this section any reference to the offender’s sentence includes a reference to the section 129 order and to any other order made on his conviction and, accordingly, any reference to an appeal against his sentence includes a reference to an appeal against any order forming part of his sentence.
- (3) Where the offender—
- (a) appeals to the Crown Court, or
  - (b) appeals or applies for leave to appeal to the Court of Appeal,

against his conviction or his sentence, the Crown Court or, as the case may be, the Court of Appeal may suspend the section 129 order.

- (4) Where the offender appeals or applies for leave to appeal to the House of Lords—
  - (a) under section 1 of the Administration of Justice Act 1960 (c. 65) from any decision of the High Court which is material to his conviction or sentence, or
  - (b) under section 33 of the Criminal Appeal Act 1968 (c. 19) from any decision of the Court of Appeal which is material to his conviction or sentence,the High Court or, as the case may require, the Court of Appeal may suspend the section 129 order.
- (5) Where the offender makes an application in respect of the decision of the court in question under section 111 of the Magistrates' Courts Act 1980 (c. 43) (statement of case by magistrates' court) or section 28 of the Supreme Court Act 1981 (c. 54) (statement of case by Crown Court) the High Court may suspend the section 129 order.
- (6) Where the offender—
  - (a) applies to the High Court for a quashing order to remove into the High Court any proceedings of a magistrates' court or of the Crown Court, being proceedings in or in consequence of which he was convicted or his sentence was passed, or
  - (b) applies to the High Court for permission to make such an application,the High Court may suspend the section 129 order.
- (7) Any power of a court under this section to suspend the section 129 order is a power to do so on such terms as the court thinks fit.
- (8) Where, by virtue of this section, a court suspends the section 129 order it must send notice of the suspension to the relevant licensing authority.
- (9) Where the section 129 order is an order for forfeiture of the licence, an order under this section to suspend that order has effect to reinstate the licence for the period of the suspension.

### **131 Court's duty to notify licensing authority of convictions**

- (1) This section applies where a person who holds a personal licence ("the relevant person") is convicted, by or before a court in England and Wales, of a relevant offence in a case where—
  - (a) the relevant person has given notice under section 128 (notification of personal licence), or
  - (b) the court is, for any other reason, aware of the existence of that personal licence.
- (2) The appropriate officer of the court must (as soon as reasonably practicable)—
  - (a) send to the relevant licensing authority a notice specifying—
    - (i) the name and address of the relevant person,
    - (ii) the nature and date of the conviction, and
    - (iii) any sentence passed in respect of it, including any order made under section 129, and send a copy of the notice to the relevant person.
- (3) Where, on an appeal against the relevant person's conviction for the relevant offence or against the sentence imposed on him for that offence, his conviction is quashed or

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a new sentence is substituted for that sentence, the court which determines the appeal must (as soon as reasonably practicable) arrange—

- (a) for notice of the quashing of the conviction or the substituting of the sentence to be sent to the relevant licensing authority, and
  - (b) for a copy of the notice to be sent to the relevant person.
- (4) Where the case is referred to the Court of Appeal under section 36 of the Criminal Justice Act 1988 (c. 33) (review of lenient sentence), the court must cause—
- (a) notice of any action it takes under subsection (1) of that section to be sent to the relevant licensing authority, and
  - (b) a copy of the notice to be sent to the relevant person.
- (5) For the purposes of subsection (2) “the appropriate officer” is—
- (a) in the case of a magistrates' court, the clerk of the court, and
  - (b) in the case of the Crown Court, the appropriate officer;
- and section 141 of the Magistrates' Courts Act 1980 (c. 43) (meaning of “clerk of a magistrates' court”) applies in relation to this subsection as it applies in relation to that section.

### **132 Licence holder’s duty to notify licensing authority of convictions**

- (1) Subsection (2) applies where the holder of a personal licence—
  - (a) is convicted of a relevant offence, in a case where section 131(1) does not apply, or
  - (b) is convicted of a foreign offence.
- (2) The holder must—
  - (a) as soon as reasonably practicable after the conviction, give the relevant licensing authority a notice containing details of the nature and date of the conviction, and any sentence imposed on him in respect of it, and
  - (b) as soon as reasonably practicable after the determination of any appeal against the conviction or sentence, or of any reference under section 36 of the Criminal Justice Act 1988 (c. 33) in respect of the case, give the relevant licensing authority a notice containing details of the determination.
- (3) A notice under subsection (2) must be accompanied by the personal licence or, if that is not practicable, a statement of the reasons for the failure to provide the licence.
- (4) A person commits an offence if he fails, without reasonable excuse, to comply with this section.
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.