



Licensing Act 2003

2003 CHAPTER 17

PART 6 **E+W**

PERSONAL LICENCES

Introductory

111 Personal licence **E+W**

- (1) In this Act “personal licence” means a licence which—
- is granted by a licensing authority to an individual, and
 - authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with a premises licence.
- (2) In subsection (1)(b) the reference to an individual supplying alcohol is to him—
- selling alcohol by retail, or
 - supplying alcohol by or on behalf of a club to, or to the order of, a member of the club.

112 The relevant licensing authority **E+W**

For the purposes of this Part the “relevant licensing authority”, in relation to a personal licence, is the licensing authority which granted the licence.

113 Meaning of “relevant offence”^[F1], “immigration offence”, “foreign offence” and “immigration penalty” **E+W**

- (1) In this Part “relevant offence” means an offence listed in Schedule 4.
- (2) The Secretary of State may by order amend that list so as to add, modify or omit any entry.

[F2(2A) In this Part “immigration offence” means—

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- (a) an offence referred to in paragraph 7A of Schedule 4, or
 - (b) an offence listed in paragraph 24 or 25 of Schedule 4 that is committed in relation to an offence referred to in paragraph 7A of that Schedule.]
- (3) In this Part “foreign offence” means an offence (other than a relevant offence) under the law of any place outside England and Wales.
- [^{F3}(4) In this Part “immigration penalty” means a penalty under—
- (a) section 15 of the Immigration, Asylum and Nationality Act 2006 (“the 2006 Act”), or
 - (b) section 23 of the Immigration Act 2014 (“the 2014 Act”).
- (5) For the purposes of this Part a person to whom a penalty notice under section 15 of the 2006 Act has been given is not to be treated as having been required to pay an immigration penalty if—
- (a) the person is excused payment by virtue of section 15(3) of that Act, or
 - (b) the penalty is cancelled by virtue of section 16 or 17 of that Act.
- (6) For the purposes of this Part a person to whom a penalty notice under section 15 of the 2006 Act has been given is not to be treated as having been required to pay an immigration penalty until such time as—
- (a) the period for giving a notice of objection under section 16 of that Act has expired and the Secretary of State has considered any notice given within that period, and
 - (b) if a notice of objection was given within that period, the period for appealing under section 17 of that Act has expired and any appeal brought within that period has been finally determined, abandoned or withdrawn.
- (7) For the purposes of this Part a person to whom a penalty notice under section 23 of the 2014 Act has been given is not to be treated as having been required to pay an immigration penalty if—
- (a) the person is excused payment by virtue of section 24 of that Act, or
 - (b) the penalty is cancelled by virtue of section 29 or 30 of that Act.
- (8) For the purposes of this Part a person to whom a penalty notice under section 23 of the 2014 Act has been given is not to be treated as having been required to pay an immigration penalty until such time as—
- (a) the period for giving a notice of objection under section 29 of that Act has expired and the Secretary of State has considered any notice given within that period, and
 - (b) if a notice of objection was given within that period, the period for appealing under section 30 of that Act has expired and any appeal brought within that period has been finally determined, abandoned or withdrawn.]

Textual Amendments

- F1** Words in s. 113 heading substituted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 4 para. 13\(2\)](#); S.I. 2017/380, reg. 2(b)
- F2** S. 113(2A) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 4 para. 13\(3\)](#); S.I. 2017/380, reg. 2(b)
- F3** S. 113(4)-(8) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 4 para. 13\(4\)](#); S.I. 2017/380, reg. 2(b)

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Commencement Information

- 11** S. 113(2) in force at 16.12.2003 by S.I. 2003/3222, **art. 2, Sch.**; s. 113 otherwise in force at 7.2.2005 by S.I. 2004/2360, **art. 2, Sch.**

114 Spent convictions **E+W**

For the purposes of this Part a conviction for a relevant offence or a foreign offence must be disregarded if it is spent for the purposes of the Rehabilitation of Offenders Act 1974 (c. 53).

115 Period of validity of personal licence **E+W**

- (1) A personal licence [^{F4}has effect indefinitely.]
- (2) Subsection (1) is subject to subsections [^{F5}(2A),] (3) and (4) and to—
- (a) section 116 (surrender),
- ^{F6}(b)
- ^{F7}(c)

[^{F8}(2A) A personal licence ceases to have effect if the holder of the licence ceases to be entitled to work in the United Kingdom.]

- (3) A personal licence ceases to have effect when it is revoked under section 124 or forfeited under section 129.
- (4) And a personal licence does not have effect during any period when it is suspended under section 129.
- (5) Subsections (3) and (4) are subject to any court order under sections 129(4) or 130.

Textual Amendments

- F4** Words in s. 115(1) substituted (1.4.2015) by Deregulation Act 2015 (c. 20), **ss. 69(1), 115(7)** (with s. 69(2)(3)); S.I. 2015/994, art. 2(c)
- F5** Word in s. 115(2) inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 14(2)** (with Sch. 4 para. 35); S.I. 2017/380, reg. 2(b)
- F6** S. 115(2)(b) omitted (1.4.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 18 para. 3** (with s. 69(2)(3)); S.I. 2015/994, art. 2(c)
- F7** S. 115(2)(c) omitted (1.4.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 18 para. 3** (with s. 69(2)(3)); S.I. 2015/994, art. 2(c)
- F8** S. 115(2A) inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 14(3)** (with Sch. 4 para. 35); S.I. 2017/380, reg. 2(b)

116 Surrender of personal licence **E+W**

- (1) Where the holder of a personal licence wishes to surrender his licence he may give the relevant licensing authority a notice to that effect.
- (2) The notice must be accompanied by the personal licence or, if that is not practicable, by a statement of the reasons for the failure to provide the licence.

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- (3) Where a notice of surrender is given in accordance with this section, the personal licence lapses on receipt of the notice by the authority.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5A inserted by [2015 c. 20 s. 67\(2\)](#)Sch. 17
- s. 2(1A) inserted by [2015 c. 20 s. 67\(1\)](#)
- s. 10(4)(e) and word inserted by [2011 c. 13 s. 121\(3\)\(b\)](#)
- s. 140(2)(e) inserted by [2015 c. 20 s. 67\(4\)\(b\)](#)
- s. 141(2)(e) inserted by [2015 c. 20 s. 67\(5\)\(b\)](#)
- s. 143(2)(e) inserted by [2015 c. 20 s. 67\(6\)\(b\)](#)
- s. 144(2)(e) inserted by [2015 c. 20 s. 67\(7\)\(b\)](#)
- s. 147A(4)(c) inserted by [2015 c. 20 s. 67\(8\)\(b\)](#)
- s. 153(4)(d) inserted by [2015 c. 20 s. 67\(9\)\(b\)](#)
- s. 197(3)(cza) inserted by [2015 c. 20 s. 67\(12\)\(a\)](#)
- s. 197A197B inserted by [2011 c. 13 s. 121\(2\)](#)