STATUTORY INSTRUMENTS

2005 No. 41

LICENCES AND LICENSING

The Licensing Act 2003 (Personal licences) Regulations 2005

Made	12th January 2005
Laid before Parliament	13th January 2005
Coming into force	7th February 2005

The Secretary of State, in exercise of the powers conferred upon her by sections 120(2)(b), 125(4) and 133(1) of the Licensing Act 2003 ^{M1}, hereby makes the following Regulations:

Marginal Citations M1 2003 c. 17.

Citation and commencement **E+W**

1. These Regulations may be cited as the Licensing Act 2003 (Personal licences) Regulations 2005 and shall come into force on 7th February 2005.

Interpretation E+W

2.—(1) In these Regulations—

"the Act" means the Licensing Act 2003;

"legible in all material respects" means that the information contained in the application is available to the recipient to no lesser extent than it would be if it were given by means of a document in written form;

"person of standing in the community" includes a bank or building society official, a police officer, a civil servant or a minister of religion; and

"prescribed fee" in relation to an application, shall be the fee for such application calculated in accordance with the regulations made by the Secretary of State under Part 6 of the Act.

Scope E+W

3. These Regulations apply to applications made under and in relation to Part 6 (personal licences) of the Act.

Person to whom a personal licence may be granted who does not possess a licensing qualification **E+W**

- 4.—(1) The following persons are prescribed for the purposes of section 120(2)(b) of the Act—
 - (a) a member of the company of the Master, Wardens, Freemen and Commonalty of the Mistery of the Vintners of the City of London;
 - (b) a person operating under a licence granted by the University of Cambridge; or
 - (c) a person operating premises under a licence granted by the Board of the Green Cloth.

Form of personal licence E+W

5. A personal licence shall be in the form of a physical document in two separate parts and shall contain—

- (a) in the first part, the matters referred to in section 125(2) of the Act, a photograph of the holder, a number allocated by the licensing authority that is unique to the licence, an identifier for the licensing authority granting the licence and the date of the expiry of the licence and this part shall be produced in durable form and shall be of a size no larger than 70 millimetres by 100 millimetres, and
- (b) in the second part, the matters referred to in section 125(3) of the Act and the matters referred to in (a) except that the photograph of the holder shall be omitted.

Application for grant or renewal of a personal licence E+W

6.—(1) Except in the case of an application for the grant of a personal licence by the holder of a justices' licence during the period commencing on 7th February 2005 and ending on 6th August 2005, in which case the provisions of regulation 8 shall apply, an application for the grant of a personal licence made under section 117 of the Act (application for grant or renewal of a personal licence) shall be in the form and shall contain the information set out in Schedule 1 to these Regulations and shall be accompanied by the prescribed fee.

(2) An application for the renewal of a personal licence made under section 117 of the Act (application for grant or renewal of a personal licence) shall be in the form and shall contain the information set out in Schedule 2 to these Regulations and shall be accompanied by the prescribed fee.

E+W

7.—(1) An application made under regulation 6(1) or 6(2) shall be accompanied by the following documents—

- (a) two photographs of the applicant, which shall be-
 - (i) taken against a light background so that the applicant's features are distinguishable and contrast against the background,
 - (ii) 45 millimetres by 35 millimetres,
 - (iii) full face uncovered and without sunglasses and, unless the applicant wears a head covering due to his religious beliefs, without a head covering,
 - (iv) on photographic paper, and
 - (v) one of which is endorsed with a statement verifying the likeness of the photograph to the applicant by a solicitor, notary, a person of standing in the community or any individual with a professional qualification; and
- (b) either-

- (i) a criminal conviction certificate issued under section 112 of the Police Act 1997 M2 ,
- (ii) a criminal record certificate issued under section 113A of the Police Act 1997, or
- (iii) the results of a subject access search under the Data Protection Act 1998 ^{M3} of the Police National Computer by the National Identification Service, and

in any case such certificate or search results shall be issued no earlier than one calendar month before the giving of the application to the relevant licensing authority, and

(c) a declaration by the applicant, in the form set out in Schedule 3, that either he has not been convicted of a relevant offence or a foreign offence or that he has been convicted of a relevant offence or a foreign offence accompanied by details of the nature and date of the conviction and any sentence imposed on him in respect of it.

(2) Except in the case of a person prescribed under regulation 4, an application under regulation 6(1) shall be accompanied by the licensing qualification of the applicant.

Marginal Citations M2 1997 c. 50. M3 1998 c. 29.

E+W

8.—(1) An application for the grant of a personal licence made under section 117 of the Act by a holder of a justices' licence during the period commencing on 7th February 2005 and ending on 6th August 2005 shall be in the form and contain the information set out in Schedule 3, insofar as the provisions are relevant to the application, and Schedule 4 and shall comply with the remaining provisions of this regulation.

(2) The application shall be accompanied by—

- (a) the prescribed fee;
- (b) in addition to the documents mentioned in paragraph 23(3) of Schedule 8 to the Act, by a second photograph of the applicant in identical form to the requirements in respect of a photograph of the applicant set out in article 10 of the Licensing Act (Transitional provisions) Order 2005 ^{M4} except that the second photograph does not need to be endorsed with a statement verifying the likeness of the photograph to the applicant.

Marginal Citations

M4 S.I. 2005/40.

E+W

9.—(1) An application shall be given in writing.

(2) Notwithstanding the requirement in paragraph (1) and subject to paragraph (3), that requirement shall be satisfied in a case where—

- (a) The text of the application—
 - (i) is transmitted by electronic means;
 - (ii) is capable of being accessed by the recipient;
 - (iii) is legible in all material respects; and

- (iv) is capable of being read and reproduced in legible written form and used for subsequent reference;
- (b) the person to whom the application is to be given has agreed in advance that an application may be given to them by those means; and
- (c) forthwith on sending the text of the application by electronic means, the application is given to the recipient in writing.

(3) Where the text of the application is transmitted by electronic means, the giving of the application shall be effected at the time the requirements of paragraph 2(a) are satisfied, provided that where any application is required to be accompanied by a fee, or any document that application shall not be treated as given until the fee or document has been received by the relevant licensing authority.

Provision of forms **E+W**

10. The relevant licensing authority—

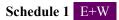
- (a) must provide on request the forms listed in the Schedules printed on paper; or
- (b) in a case where the relevant licensing authority maintains a website, it may provide electronic copies of the forms listed in the Schedules on such a website.

Validity of forms E+W

11. A licensing authority shall not reject any application by reason only of the fact that it is given on a form provided otherwise than from the relevant licensing authority but which complies with the requirements of these Regulations.

12th January 2005

Richard Caborn Minister of State Department for Culture, Media and Sport



regulation 6(1)

E+W

<u>.</u>....

[Insert name a	and address of relevant licensir	ig authority and it	ts reference numbe	r (option	əl)]
	Application for	a personal lie	ence		
If you are completin your answers are in	this form please read the guid ng this form by hand please w side the boxes and written or rep a copy of the completed for	rite legibly in blo typed in black in	ck capitals. In all c k. Use additional s		
1. Your person					
TITLE (delete as a Sumame	opropriate): Mr Mrs Miss Ms C	other (please stat	e)		
sumame					
Forenames					
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	opropriate): Mr Mrs Miss Ms C		6)		
Sumame	1 1 1 1		-/		
Forenames					
I am 18 years old	or over. Please tick 💙			Yes	No
unless you compl	ete the separate correspond	ence box below)	k		
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FAX NUMBER					
E-MAIL ADDRESS	(if you would prefer us to co	orrespond with y	ou by e-mail)		

E+W

Address for correspondence ass	ociated with this application (If different to the address above
Post town	Post code
	Post code
TELEPHONE NUMBERS	Post code
Post town <u>TELEPHONE NUMBERS</u> Daytime Evening	Post code

Read Note 1 Please	tick Y	ves
Please indicate below which one of these statements applies to you:		
1. I hold an accredited licensing qualification		Т
2. I hold a certified gualification		T
3. I hold an equivalent qualification		
4. I am a person of prescribed description If you have ticked either of statements 1, 2 or 3 please provide details of your qualificatio		
your application. If you have ticked statement 4, please provide evidence that you are a person of prescribe description.	ed	
3. Previous or outstanding applications for a personal licence		
	ase tic	
Note: You may only hold one personal licence at a time. Plea	ase ticl Yes	
		No

E+W

Licensing Authority		
Licence number		
Date of issue		
Date of expiry		
Any further details		
CHECKLIST:		
have	Please tick 4	yes
description enclosed a criminal conv of a subject access searci- lidentification Service enclosed a completed dis (Schedule 3)	Liffcation 1 hold or proof that I am a person of prescribed tion certificate or a criminal record certificate or the results of the police national computer by the National Jossure of criminal convictions and declaration form to of the fee for the application	
lief. s an offence knowingly or reckl slication for the grant or renew se statement if he produces, fu	this form is correct to the best of my knowledge and ssly to make a false statement in or in connection with an a lob a personal licence. (A person is to be treated as making a nikke, signs or otherwise makes use of a document that conta- real in prosecution and a fine not exceeding level 5 on the	ins
ndard scale.	DATE	

Information on the Licensing Act 2003 is available on the website of the Department for Culture, Media and Sport (http://www.culture.gov.uk/alcohol_and_entertainment/default.htm) or from your local licensing authority.

 Licensing qualifications Licensing qualifications are dealt with in section 120(8) and (9) of the Licensing Act 2003.

Schedule 2 E+W

regulation 6(2)



[Insert name and address of relevant licensing authority and its reference number (optional)]				
Application to renew a personal licence				
Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.				
1. Your perso	nal details			
TITLE (delete as	appropriate): Mr Mrs Miss Ms C	Other (please state)		
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Forenames				
	IES (if relevant) please enter d on a separate sheet if necess	etails of any previous names or maiden names.		
	appropriate): Mr Mrs Miss Ms C			
Surname				
Forenames				
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E-MAIL ADDRESS (If you would prefer us to o	correspond with you by e-mail)	
2. Your current personal licence		
Your personal licence must accompany your your personal licence, you must explain why	application for a renewal. If you are unable to you cannot do so in the box provided below.	send
Details of current personal licence: Licensing Authority		
icence number		
Date of issue		
Date of expiry		
Date of expiry Any further details		
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,	ovide a statement explaining why:	
if you cannot provide your personal licence, pr	ovide a statement explaining why:	
if you cannot provide your personal licence, pr	ovide a statement explaining why:	4
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vant licensing authority and its reference number (optional)]

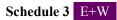
E+W

sert name and address of relevant licensing authority and its reference number (optional)]

		1.000	And ALESS AND ALESS AND A STREET
	provide my licence		
•	enclosed two photographs of myself, on me by a solicitor, notary, a person of sta with a professional qualification		
·	enclosed a criminal conviction certificate of a subject access search of the police n Identification Service		
•	enclosed a completed disclosure of crimi (Schedule 3)	nal convictions and o	leclaration form
•	made or enclosed payment of the fee for	the application	
5 . De	eclaration		and the second sec
belief. It is an applica statem false st	formation contained in this form is c offence knowingly or recklessly to make a tion for the grant or renewal of a personal ent if he produces, furnishes, signs or othe tatement). To do so could result in prosect of scale.	false statement in o licence. (A person is rwise makes use of a	r in connection with an to be treated as making a fais document that contains a
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Information on the Licensing Act 2003 is available on the website of the Department for Culture, Media and Sport (http://www.culture.gov.uk/alcohol_and_entertainment/default.htm) or from your local licensing authority.



regulation 7(1)(c)



[Insert name and address of relevant licensing authority and I	ts reference number (optional)]
Disclosure of convictions and c	declaration
lefore completing this form please read the guidance notes at th you are completing this form by hand please write legibly in blue our answers are inside the bowes and written or typed in black in our may wish to keep a copy of the completed form for your reco	ock capitals. In all cases ensure that nk. Use additional sheets if necessary.
1. Your personal details	
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please star	te)
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Forenames	
PREVIOUS NAMES (if relevant) please enter details of any pre	evious names or maiden names.
Please continue on a separate sheet if necessary. TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please star	te)
Surname	
Forenames	
Forfeiture of a personal licence in the last 5 year Do not answer this question if you are applying under regula	S tion 9 of the Licensing Act (Personal
licences) Regulations 2005	tion of the ticensing Act (resonat
	Please tick *
Has any personal licence held by you been forfeited in the last 5 If yes, please provide details below:	5 years? Yes No
Name of court	
Address of court	
Date of forfeiture	
Offence which resulted in	
the forfeiture	
Any additional details	
3. Relevant or foreign offences	
Read Note 1	Please tick *
Have you been convicted of any relevant offence or foreign offe	ence? Yes No
If you have been convicted of any relevant offences you must p	
the date of conviction, the name and location of the convicting convicted and the sentence imposed:	court, affence of which you were



nt licensing authority and its reference number (optional)]

the date of com	a convicted of any foreign offences you must p viction, the name and location of the convicting he sentence imposed:	
4. Declaratio		
I declare that	I have not been convicted of any relevan	t offence or any foreign offence
SIGNATURE		DATE
5. Declaratio	n.	
The informati belief.	on contained in this form is correct to th	e best of my knowledge and
application for t statement if he	knowingly or recklessly to make a false statem the grant or renewal of a personal licence. (A pe produces, furnishes, signs or otherwise makes i). To do so could result in prosecution and a fir	erson is to be treated as making a false use of a document that contains a
SIGNATURE		DATE

NOTES

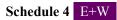
is available on the website of the Department for culture.gov.uk/alcohol_and_entertainment/defaul Information on the Licensing Act 2003 is Culture, Media and Sport (http://www.ci or from your local licensing authority.

I.Relevant or foreign offences
Relevant offences are the offences listed in Schedule 4 to the Licensing Act 2003:

aning of foreign offence is dealt with in section 113 of the Licensing Act 2003. Ther

If you are the holder of a justices' licence and you are applying for a personal licence under regula 8 of the Licensing Act (Personal licences) Regulations 2005 see paragraphs 23 and 28 in Part 3 of Schedule 8 to the Licensing Act 2003 for the information you are required to give.

victed of any relevant or foreign offence during the period between when your made and when your application is determined or withdrawn, you must notify which your application was made. Failure to do so without reasonable excuse or and a fine not exceeding level 4 on the standard scale. rity to v



regulation 8

E+W

[Insert name and address of relevant licensing authority and its reference number (optional)] Application for a personal licence under s117 of the 2003 Act made by the holder of a justices' licence during the transitional period

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black into. Use additional sheets if necessary you may with to keep a copy of the completed form for your records.

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Forenames	
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Please continue on a separate	sheet if necessary. Ir Mrs Miss Ms Other (please state)
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unless you complete the separ	rate correspondence box below).
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[Insert name and address of relevant licensing authority and its reference number (optional)]

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2. Your justic	es' licence	Hearing.	145.5
	Please	tick "	yes
I enclose my just	ices' licence or a certified copy of that licence		T
3. Previous an	nd outstanding applications for a personal licence		
		ase tic	
Do you currently authority?	hold a personal licence, granted by this or any other licensing	Yes	No
	have any outstanding applications for a personal licence, granted by licensing authority?	Yes	No
	usly applied for a personal licence, with this or any other licensing	Yes	No
4. CHECKLIST			
I have	Please	tick 🖌	yes
licence	d a justices' licence held in my name or a certified copy of that justices' (for the meaning of certified copy see paragraph 23(4) of Schedule 8 to tl g Act 2003)	he	-
 enclose 	d two photographs of myself, one of which is endorsed as a true likeness	of	
	he chief executive of the licensing justices for the licensing district, a soli- ry, a person of standing in the community or an individual with a	citor	
professi	onal qualification		
(Schedu			
 made o 	r enclosed payment of the fee for the application		

E+W

[Insert name and address of relevant licensing authority and its reference number (optional)]

5. Declaration The information contained in th belief.	s form is correct to the best of my knowledge and
application for the grant or renewal of false statement if he produces, furnis	y to make a false statement in or in connection with an f a personal licence. (A person is to be treated as making a hes, signs or otherwise makes use of a document that contai sult in prosecution and a fine not exceeding level 5 on the
SIGNATURE	DATE
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Information on the Licensing Act 2003 is available on the website of the Department for Culture, Media and Sport [http://www.culture.gov.uk/alcohol_and_entertainment/default.htm or from your local licencing authority.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the detailed requirements to be fulfilled by applicants for personal licences under Part 6 of the Licensing Act 2003 (c. 17) ("the Act").

In addition the Regulations prescribe those persons to whom a licence may be granted who do not possess a licensing qualification (regulation 4). The form of the personal licence is prescribed in regulation 5.

The Regulations prescribe the application form to be used by the applicant, the information to be supplied and the documents to accompany the application for the grant or renewal of a personal licence (regulations 6 and 7 and Schedules 1 to 3). In respect of an application for a personal licence made by the holder of a justices' licence during the period commencing on 7th February 2005 and ending on 6th August 2005, regulation 8 and Schedules 3 and 4 prescribe the application form to be used by the applicant, the information to be supplied and the documents to accompany the application. In the case of such applications reference should also be made to the Licensing Act 2003 (Transitional provisions) Order 2005 S.I. 2005/40.

The Regulations require the relevant licensing authority to provide the application forms for applicants on request and provides a discretion to provide these on its website.

A Regulatory Impact Assessment in relation to these Regulations has been placed in the libraries of both Houses of Parliament and copies may be obtained from the Alcohol and Entertainment Licensing Branch of the Department for Culture, Media and Sport, 3rd Floor, 2-4 Cockspur Street, London SW1Y 5DH or viewed on the Department's website, www.culture.gov.uk.

Status:

Point in time view as at 07/02/2005.

Changes to legislation:

There are currently no known outstanding effects for the The Licensing Act 2003 (Personal licences) Regulations 2005.