
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

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

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

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

Status: Point in time view as at 01/07/2021.

Changes to legislation: There are currently no known outstanding effects for the The Licensing Act 2003 (Personal licences) Regulations 2005. (See end of Document for details)

Person to whom a personal licence may be granted who does not possess a licensing qualification

- 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

- 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 [^{F1}and], an identifier for the licensing authority granting the licence^{F2}... 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.

Textual Amendments

F1 Word in reg. 5(a) inserted (6.4.2017) by [The Licensing Act 2003 \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/411\)](#), regs. 1, **2(2)(a)**

F2 Words in reg. 5(a) omitted (6.4.2017) by virtue of [The Licensing Act 2003 \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/411\)](#), regs. 1, **2(2)(b)**

Application for grant^{F3} ... of a personal licence

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^{F4}... 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.

^{F5}(2)

Textual Amendments

F3 Words in reg. 6 heading omitted (6.4.2017) by virtue of [The Licensing Act 2003 \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/411\)](#), regs. 1, **2(3)(a)**

F4 Words in reg. 6(1) omitted (6.4.2017) by virtue of [The Licensing Act 2003 \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/411\)](#), regs. 1, **2(3)(b)**

F5 Reg. 6(2) omitted (6.4.2017) by virtue of [The Licensing Act 2003 \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/411\)](#), regs. 1, **2(3)(c)**

7.—(1) An application made under regulation 6(1) ^{F6}... 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
- [^{F7}(iii) the results of a request made under Article 15 of the [^{F8}UK GDPR] or section 45 of the Data Protection Act 2018 (rights of access by the data subject) to the National Identification Service for information contained in the Police National Computer], and

in any case such certificate or ^{F9}... results shall be issued no earlier than one calendar month before the giving of the application to the relevant licensing authority, and

[^{F10}(c) a declaration by the applicant, in the form set out in Schedule 3, that the applicant—

- (i) has not been convicted of a relevant offence or a foreign offence,
- (ii) has not been required to pay an immigration penalty, or
- (iii) has been convicted of such an offence or required to pay such a penalty, accompanied by details of the nature and date of the conviction or penalty and any sentence in respect of such conviction.]

(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.

[^{F11}(3) In this regulation, “the UK GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(10) and (14) of that Act).]

Textual Amendments

- F6** Words in reg. 7(1) omitted (5.1.2015) by virtue of [The Licensing Act 2003 \(Personal licences\) \(Amendment\) Regulations 2014 \(S.I. 2014/3284\)](#), regs. 1, **2(3)**
- F7** Reg. 7(1)(b)(iii) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 313(2)(a)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F8** Words in reg. 7(1)(b)(iii) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 3 para. 58(2)** (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Word in reg. 7(1)(b) omitted (25.5.2018) by virtue of [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 313(2)(b)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F10** Reg. 7(1)(c) substituted (6.4.2017) by [The Licensing Act 2003 \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/411\)](#), regs. 1, **2(4)**
- F11** Reg. 7(3) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 3 para. 58(3)** (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1)

Status: Point in time view as at 01/07/2021.

Changes to legislation: There are currently no known outstanding effects for the The Licensing Act 2003 (Personal licences) Regulations 2005. (See end of Document for details)

Marginal Citations

M2 1997 c. 50.

F12 8.

Textual Amendments

F12 Reg. 8 omitted (6.4.2017) by virtue of [The Licensing Act 2003 \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/411\)](#), regs. 1, 2(5)

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

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

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.

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

Status: Point in time view as at 01/07/2021.

Changes to legislation: There are currently no known outstanding effects for the The Licensing Act 2003 (Personal licences) Regulations 2005. (See end of Document for details)

Schedule 1

regulation 6(1)

F13

Status: Point in time view as at 01/07/2021.

Changes to legislation: There are currently no known outstanding effects for the The Licensing Act 2003 (Personal licences) Regulations 2005. (See end of Document for details)

Application for 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 personal details			
TITLE Please tick			
Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/> (please state)			
Surname			
Forenames			
PREVIOUS NAMES (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.			
TITLE Please tick			
Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/> (please state)			
Surname			
Forenames			
Date of Birth			
Nationality			
I am 18 years old or over. Please tick			Yes <input type="checkbox"/>
			No <input type="checkbox"/>
ADDRESS WHERE ORDINARILY RESIDENT (We will use this address to correspond with you unless you complete the separate correspondence box below).			
Post town		Post code	
TELEPHONE NUMBERS			
Daytime			
Evening			
Mobile			
FAX NUMBER			

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E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 2 for information)

Address for correspondence associated with this application (if different to the address above)

Post town	Post code

TELEPHONE NUMBERS	
Daytime	
Evening	
Mobile	

E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)

2. Your licensing qualifications	
Read Note 1	Please tick yes
Please indicate below which one of these statements applies to you:	
1. I hold an accredited licensing qualification	<input type="checkbox"/>
2. I hold a certified qualification	<input type="checkbox"/>
3. I hold an equivalent qualification	<input type="checkbox"/>
4. I am a person of prescribed description	<input type="checkbox"/>
If you have ticked either of statements 1, 2 or 3 please provide details of your qualification in the box below (name of qualification, date of issue, issuing body) and please enclose your qualification with your application.	
If you have ticked statement 4, please provide evidence that you are a person of prescribed description.	

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SIGNATURE	DATE

NOTES

Information on the Licensing Act 2003 is available on legislation.gov.uk or from your local licensing authority.

1. Licensing qualifications

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

2. Right to work/immigration status

A personal licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any personal licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways:

- 1) by providing with this application copies or scanned copies of the documents which an applicant may provide to demonstrate their entitlement to work in the UK (which do not need to be certified) that are published on GOV.UK and in [guidance issued under section 182 of the Licensing Act 2003](#).
- 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Home Office online right to work checking service.

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation

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applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Status: Point in time view as at 01/07/2021.

Changes to legislation: There are currently no known outstanding effects for the The Licensing Act 2003 (Personal licences) Regulations 2005. (See end of Document for details)

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Textual Amendments

F13 Sch. 1 Form substituted (1.7.2021) [The Immigration \(Restrictions on Employment and Residential Accommodation\) \(Prescribed Requirements and Codes of Practice\) and Licensing Act 2003 \(Personal and Premises Licences\) \(Forms\) Order 2021 \(S.I. 2021/689\)](#), **Sch. 1**

^{F14}Schedule 2

regulation 6(2)

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Textual Amendments

F14 Sch. 2 omitted (6.4.2017) by virtue of [The Licensing Act 2003 \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/411\)](#), regs. 1, **2(7)**

Schedule 3

regulation 7(1)(c)

[^{F15}

Status: Point in time view as at 01/07/2021.

Changes to legislation: There are currently no known outstanding effects for the The Licensing Act 2003 (Personal licences) Regulations 2005. (See end of Document for details)

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

Disclosure of convictions and civil immigration penalties and declaration

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 personal details		
TITLE	Please tick ✓	
Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>
Ms <input type="checkbox"/>	Other (please state)	
Surname		
Forenames		
PREVIOUS NAMES (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.		
TITLE	Please tick ✓	
Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>
Ms <input type="checkbox"/>	Other (please state)	
Surname		
Forenames		

2. Forfeiture by a court or revocation by a licensing authority of a personal licence in the last 5 years		
	Please tick ✓	
Has any personal licence held by you been forfeited or revoked in the last 5 years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please provide details below:		
Name of court/licensing authority		
Address of court		
Date of forfeiture/revocation		
Offence which resulted in the forfeiture/revocation		

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Any additional details	
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3. Relevant or foreign offences and civil immigration penalties		
Read Note 1 and 2	Please	
tick <input type="checkbox"/>		
Have you been convicted of any relevant offence or foreign offence or been required to pay a civil immigration penalty?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If you have been convicted of any relevant offence you must provide details for each conviction of the date of conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:		
If you have been convicted of any foreign offence you must provide details for each conviction of the date of conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:		
If you have received an immigration penalty you must provide details, including the reference, date and the company name:		

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Changes to legislation: There are currently no known outstanding effects for the The Licensing Act 2003 (Personal licences) Regulations 2005. (See end of Document for details)

4. Declaration			
I declare that I have not been convicted of any relevant offence or any foreign offence or been required to pay a civil immigration penalty			
SIGNATURE		DATE	

5. Declaration			
<p>The information contained in this form is correct to the best of my knowledge and belief.</p> <p>It is an offence knowingly or recklessly to make a false statement in or in connection with an application for the grant of a personal licence. A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement. To do so could result in prosecution and a fine of any amount. It is an offence under section 24B of the Immigration Act 1971 to work illegally.</p>			
SIGNATURE		DATE	

Status: Point in time view as at 01/07/2021.

Changes to legislation: There are currently no known outstanding effects for the The Licensing Act 2003 (Personal licences) Regulations 2005. (See end of Document for details)

NOTES

1. Relevant or foreign offences

Relevant offences are the offences listed in Schedule 4 to the Licensing Act 2003:

The meaning of **foreign offence** is dealt with in section 113 of the Licensing Act 2003.

If you are the holder of a justices' licence and you are applying for a personal licence under regulation 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.

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

2. Civil immigration penalty

An Immigration penalty means a penalty under either section 15 of the Immigration, Asylum and Nationality Act 2006 or section 23 of the Immigration Act 2014.

Status: Point in time view as at 01/07/2021.

Changes to legislation: There are currently no known outstanding effects for the The Licensing Act 2003 (Personal licences) Regulations 2005. (See end of Document for details)

Textual Amendments

F15 Sch. 3 Form form substituted (6.4.2017) by [The Licensing Act 2003 \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/411\)](#), reg. 1, **Sch. 2**

^{F16}Schedule 4

regulation 8

Textual Amendments

F16 Sch. 4 omitted (6.4.2017) by virtue of [The Licensing Act 2003 \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/411\)](#), regs. 1, **2(9)**

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 01/07/2021.

Changes to legislation:

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