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 MI, 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.

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

- 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)
- 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)																																
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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—

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)

- (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 [F8UK 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

- I^{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)
- 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)

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)

Margi	inal 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

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

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 🗌 Mrs 🗌	Mr ☐ Mrs ☐ Miss ☐Ms ☐Other ☐ (please state)										
Surname											
Forenames	Forenames										
PREVIOUS NAMES (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.											
TITLE Plea	ise tick										
Mr Mrs	Miss Ms Other (p	olease state)									
Surname											
Forenames											
Date of Birth											
Nationality											
I am 18 years	old or over. Please tick		Yes No								
		IDENT (We will use this add plete the separate correspo									
Post town		Post code									
TELEPHONE	NUMBERS										
Daytime											
Evening											
Mobile											
FAX NUMBE	R										

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E-MAIL ADDR	ESS (if you would prefer us to correspond with you by e-mail)
work checking :	ele (if demonstrating a right to work via the Home Office online right to service), the 'share code' provided to the applicant by that service e 2 for information)
Address for co	orrespondence associated with this application (if different to bove)
Post town	Post code
TELEPHONE N	IUMBERS
Daytime	
Evening	
Mobile	
2. Your licensi Read Note 1	ng qualifications Please tick yes
Please indicate	below which one of these statements applies to you:
	redited licensing qualification
	ied qualification
	ivalent qualification
If you have tick qualification in please enclose	n of prescribed description ed either of statements 1, 2 or 3 please provide details of your the box below (name of qualification, date of issue, issuing body) and your qualification with your application. ed statement 4, please provide evidence that you are a person of cription.
	6

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)

3. Previous or outstanding applications for a personal licence								
Note: You may only hold one personal licence at a time. Please	tick							
Do you currently hold a personal licence? Yes	No							
Do you currently have any outstanding applications for a personal licence, with this or any other licensing authority?	No							
Has any personal licence held by you been forfeited in the last 5 years?	No							
Licensing Authority								
Licence number								
Date of issue								
Any further details								
4. CHECKLIST:								
I have Please tick yes								
 enclosed two photographs of myself, one of which is endorsed as a true likeness of me by a solicitor or notary, a person of standing in the community or any individual with a professional qualification 								
 enclosed any licensing qualification I hold or proof that I am a person of prescribed description 								
 enclosed a criminal conviction certificate or a criminal record certificate or the results of a subject access search of the police national computer by the National Identification Service 								
enclosed a completed disclosure of criminal convictions and declaration form (Schedule 2) included a proof of my right to work in the United Kingdom or my share								
code issued by the Home Office online right to work checking service (see note 2)								
made or enclosed payment of the fee for the application								

5. Declaration

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

I am entitled to work in the UK and am not subject to a condition preventing me from doing work relating to the carrying on of a licensable activity. I understand that my licence will become invalid if I cease to be entitled to live and work in the UK. It is an offence under section 24B of the Immigration Act 1971 to work illegally.

The information contained in this form is correct to the best of my knowledge and belief.

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SIGNATURE	DATE	
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:

- by providing with this application copies or scanned copies of the documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 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 share code, provided to them upon accessing the service at https://www.gov.uk/prove-right-to-work) which,

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along with the applicant's date of birth, 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 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.

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

F13 Sch. 1 Form substituted (6.4.2022) by The Immigration (Restrictions on Employment and Residential Accommodation) (Prescribed Requirements and Codes of Practice) and Licensing Act 2003 (Personal and Premises Licences) (Forms), etc., Regulations 2022 (S.I. 2022/242), reg. 1(1)(b), Sch. 1

F14Schedule 2

regulation 6(2)

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

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 v	•		
Mr Mrs Miss Miss	s 🗌 Other (please state)		
Surname			
Forenames			
maiden names. Please	elevant) please enter details of any previous continue on a separate sheet if necessary.	s names	or
TITLE Please tick •	•		
	s Other (please state)		
Surname			
Forenames			
2. Forfeiture by a court licence in the last 5 year	or revocation by a licensing authority of a pars	ersona	
		lease tid	-
Has any personal licence last 5 years?	held by you been forfeited or revoked in the	Yes	No
If yes, please provide det	tails below:		
Name of court/licensing			-
authority			
Address of court			
Date of			
2010 01			
forfeiture/revocation			
Offence which resulted			
in the			
forfeiture/revocation			

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Any additional details		
3. Relevant or foreign offences and civil immigration penalties	Val. S.	
Read Note 1 and 2	Ple	ase
Have you been convicted of any relevant offence or foreign offence or been required to pay a civil immigration penalty?	Yes	No
If you have been convicted of any relevant offence you must provide de conviction of the date of conviction, the name and location of the conviction of the conviction of which you were convicted and the sentence imposed:		
If you have been convicted of any foreign offence you must provide det conviction of the date of conviction, the name and location of the convic offence of which you were convicted and the sentence imposed:	ails for ting co	each urt,
If you have received an immigration penalty you must provide details, in reference, date and the company name:	ncluding	the

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 co offence or been required to pay	onvicted of any relevant offence or any foreign a civil immigration penalty
SIGNATURE	DATE
5. Declaration	
The information contained in the and belief.	nis form is correct to the best of my knowledge
with an application for the grant of making a false statement if he pro- a document that contains a false:	essly to make a false statement in or in connection f a personal licence. A person is to be treated as oduces, furnishes, signs or otherwise makes use of statement. To do so could result in prosecution offence under section 24B of the Immigration Act
SIGNATURE	DATE

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

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.

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

F16Schedule 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 06/04/2022.

Changes to legislation:

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