

2005 No. 41

LICENCES AND LICENSING

**The Licensing Act 2003 (Personal licences)
Regulations 2005**

<i>Made</i> - - - - -	<i>12th January 2005</i>
<i>Laid before Parliament</i>	<i>13th January 2005</i>
<i>Coming into force</i> - -	<i>7th February 2005</i>

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(a), hereby makes the following Regulations:

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.

(a) 2003 c. 17.

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, 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

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.

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(a),
 - (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(b) of the Police National Computer by the National Identification Service, andin 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.

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.

(a) 1997 c. 50.

(b) 1998 c. 29.

- (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(a) except that the second photograph does not need to be endorsed with a statement verifying the likeness of the photograph to the applicant.

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.

12th January 2005

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

(a) S.I. 2005/40.

Schedule 1

regulation 6(1)

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

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 (delete as appropriate): Mr Mrs Miss Ms 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 (delete as appropriate): Mr Mrs Miss Ms Other (please state)			
Surname			
Forenames			
I am 18 years old or over. Please tick <input type="checkbox"/>			Yes
			No
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			
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)			

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

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 <input type="checkbox"/> yes	
Please indicate below which one of these statements applies to you:		
1. I hold an accredited licensing qualification	<input type="checkbox"/>	<input type="checkbox"/>
2. I hold a certified qualification	<input type="checkbox"/>	<input type="checkbox"/>
3. I hold an equivalent qualification	<input type="checkbox"/>	<input type="checkbox"/>
4. I am a person of prescribed description	<input type="checkbox"/>	<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.		
3. Previous or outstanding applications for a personal licence		
Note: You may only hold one personal licence at a time.	Please tick <input checked="" type="checkbox"/>	
Do you currently hold a personal licence?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Do you currently have any outstanding applications for a personal licence, with this or any other licensing authority?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Has any personal licence held by you been forfeited in the last 5 years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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

Licensing Authority	
Licence number	
Date of issue	
Date of expiry	
Any further details	

4. CHECKLIST:	
I have	Please tick <input type="checkbox"/> 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	<input type="checkbox"/>
• enclosed any licensing qualification I hold or proof that I am a person of prescribed description	<input type="checkbox"/>
• 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	<input type="checkbox"/>
• enclosed a completed disclosure of criminal convictions and declaration form (Schedule 3)	<input type="checkbox"/>
• made or enclosed payment of the fee for the application	<input type="checkbox"/>

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 or renewal 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 not exceeding level 5 on the standard scale.</p>	
SIGNATURE	DATE

NOTES

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.

1. Licensing qualifications

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

Schedule 2

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 personal details	
TITLE (delete as appropriate): Mr Mrs Miss Ms 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 (delete as appropriate): Mr Mrs Miss Ms Other (please state)	
Surname	
Forenames	
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	
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)	

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

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 current personal licence

Your personal licence must accompany your application for a renewal. If you are unable to send your personal licence, you must explain why you cannot do so in the box provided below.

Details of current personal licence:

Licensing Authority	
Licence number	
Date of issue	
Date of expiry	
Any further details	

If you cannot provide your personal licence, provide a statement explaining why:

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3. Other personal licences

Please tick Yes No

I confirm that I do not hold any other personal licences other than the one submitted for renewal.	Yes	No
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4. CHECKLIST:

I have	Please tick <input checked="" type="checkbox"/> yes <input type="checkbox"/> no
<ul style="list-style-type: none"> enclosed my current personal licence or a statement of the reasons of any failure to 	

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

provide my licence <ul style="list-style-type: none"> enclosed two photographs of myself, one of which is endorsed as a true likeness of me by a solicitor, notary, a person of standing in the community or any individual with a professional qualification 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 3) made or enclosed payment of the fee for the application 				
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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 or renewal 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 not exceeding level 5 on the standard scale.</p>			
SIGNATURE		DATE	

NOTES

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.

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

Disclosure of convictions 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 (delete as appropriate): Mr Mrs Miss Ms 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 (delete as appropriate): Mr Mrs Miss Ms Other (please state)		
Surname		
Forenames		
2. Forfeiture of a personal licence in the last 5 years		
Do not answer this question if you are applying under regulation 8 of the Licensing Act (Personal licences) Regulations 2005		
		Please tick ✓
Has any personal licence held by you been forfeited in the last 5 years?		Yes No
If yes, please provide details below:		
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 offence?		Yes No
If you have been convicted of any relevant offences 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:		

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

If you have been convicted of any foreign offences 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:			
4. Declaration			
I declare that I have not been convicted of any relevant offence or any foreign offence			
SIGNATURE		DATE	
5. Declaration			
The information contained in this form is correct to the best of my knowledge and belief.			
It is an offence knowingly or recklessly to make a false statement in or in connection with an application for the grant or renewal 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 not exceeding level 5 on the standard scale.			
SIGNATURE		DATE	

NOTES

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.

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.

Schedule 4

regulation 8

[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 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 (delete as appropriate): Mr Mrs Miss Ms 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 (delete as appropriate): Mr Mrs Miss Ms Other (please state)	
Surname	
Forenames	
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	
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)	

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

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 justices' licence	
Please tick <input checked="" type="checkbox"/> yes	
I enclose my justices' licence or a certified copy of that licence	<input type="checkbox"/>

3. Previous and outstanding applications for a personal licence		
Please tick <input checked="" type="checkbox"/>		
Do you currently hold a personal licence, granted by this or any other licensing authority?	Yes	No
Do you currently have any outstanding applications for a personal licence, granted by this or any other licensing authority?	Yes	No
Have you previously applied for a personal licence, with this or any other licensing authority?	Yes	No

4. CHECKLIST:	
I have	Please tick <input checked="" type="checkbox"/> yes
<ul style="list-style-type: none"> enclosed a justices' licence held in my name or a certified copy of that justices' licence (for the meaning of certified copy see paragraph 23(4) of Schedule 8 to the Licensing Act 2003) enclosed two photographs of myself, one of which is endorsed as a true likeness of me by the chief executive of the licensing justices for the licensing district, a solicitor or notary, a person of standing in the community or an individual with a professional qualification enclosed a completed disclosure of criminal convictions and declaration form (Schedule 3) made or enclosed payment of the fee for the application 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

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

5. Declaration

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

It is an offence knowingly or recklessly to make a false statement in or in connection with an application for the grant or renewal 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 not exceeding level 5 on the standard scale.

SIGNATURE		DATE	
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NOTES

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.

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.

2005 No. 41

LICENCES AND LICENSING

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Regulations 2005**

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