

2007 No. 77

LICENSING (LIQUOR)

The Personal Licence (Scotland) Regulations 2007

Made - - - - - *14th February 2007*

Laid before the Scottish Parliament *15th February 2007*

Coming into force - - - *1st February 2008*

The Scottish Ministers, in exercise of the powers conferred by sections 76, 134, 146(2) and 147(1) of the Licensing (Scotland) Act 2005(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Personal Licence (Scotland) Regulations 2007 and shall come into force on 1st February 2008.

Form of personal licence

2. A personal licence is to be in the form set out in Schedule 1 and is to have attached to it a photograph of the licence holder.

Application for a personal licence

- 3.—(1) A personal licence application or a personal licence renewal application is to be—
- (a) in the form set out in Schedule 2; and
 - (b) accompanied by—
 - (i) evidence that the applicant possesses a licensing qualification; and
 - (ii) two photographs of the applicant which comply with paragraph (2) and one of which has a statement on it in accordance with paragraph (3).
- (2) The two photographs of the applicant must—
- (a) measure 45 millimetres by 35 millimetres;
 - (b) be on photographic paper;
 - (c) be taken against a light background; and
 - (d) show the full face of the applicant, without the applicant wearing sunglasses or any head covering (unless the applicant wears such a covering on account of a religious belief).
- (3) One photograph of the applicant must have on the back of it a statement by a person appearing to the Licensing Board to be a person of standing in the community, with the words “I certify that this is a true likeness of (*name of applicant*)”, followed by the full name of the person endorsing the photograph.

(a) 2005 asp 16; see the definition of “prescribed” in section 147(1).

2. A personal licence application or a personal licence renewal application must be made in writing or, if the Licensing Board to which the application is made so agrees, by electronic transmission.

St Andrew's House,
Edinburgh
14th February 2007

GEORGE LYON
Authorised to sign by the Scottish Ministers

SCHEDULE 1

Regulation 2

PERSONAL LICENCE

The holder of this licence is qualified and permitted to sell alcohol under the terms of the Licensing (Scotland) Act 2005.

Licence Number

Name and address of licence holder

Name of issuing Licensing Board

Licensing Board logo

Expiry date

Training record

Dates of Training	Title of Course completed	Awarding/Accrediting Body	Level attained

Convictions for relevant and foreign offences

Personal licence number

<i>Offence</i>	<i>Court</i>	<i>Date</i>	<i>Penalty</i>

Endorsements

Personal licence number

Reason for Endorsement	Name of Licensing Board	Date of commencement	Expiry date

SCHEDULE 2

Regulation 3(1)(a)

[Insert name and address of relevant Licensing Board]

Application for a personal licence

FIRST APPLICATION/RENEWAL APPLICATION (delete as appropriate)

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. If relevant please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary. Read note 1.	
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)	
Surname	
Forenames	
Date and Place of Birth	
NI Number	
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)	
Address for correspondence associated with this application (if different to the address above)	
Post town	Post code

2. Your licensing qualification		
Read note 2	Please tick	
I hold an accredited qualification	Yes	No
If you have ticked yes please provide a copy of your qualification with your application.		

3. FIRST APPLICATIONS ONLY		
This section should only be completed if you are submitting your first application to this Licensing Board. If answering Yes to any question please provide details below.		
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 Board?	Yes	No
Has any personal licence held by you been forfeited in the last 5 years?	Yes	No
Licensing Board		
Licence number		
Date of issue		
Date of expiry		
Any further details		

4. RENEWAL ONLY	
This section should be completed only if you are applying for a renewal of your existing 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 Board	
Licence number	
Date of issue	
Date of expiry	
Any further details	
If you cannot provide your personal licence, provide a statement explaining why	

Other personal licence		
Note: You may only hold one personal licence at a time		Please tick
I confirm that I do not hold any other personal licences other than the one submitted for renewal	Yes	No

5. CHECKLIST	
I have	Please tick yes
<ul style="list-style-type: none"> Enclosed two photographs of myself, one of which is endorsed as a true likeness of me by a person of standing in the community. Read note 3. 	
<ul style="list-style-type: none"> Enclosed a copy of any licensing qualification I hold 	
<ul style="list-style-type: none"> Enclosed my current personal licence (renewal only) 	
<ul style="list-style-type: none"> Made or enclosed payment of the fee for the application 	

6. Previous Convictions
You must provide details below of any conviction for a relevant or foreign offence that is not considered spent under the Rehabilitation of Offenders Act 1974. Please continue on a separate sheet if necessary. If you are declaring that you have no such convictions please write "none". Read note 4.

Offence	Court	Date	Penalty

7. Declaration			
The contents of this application are true to the best of my knowledge and belief			
SIGNATURE (read note 5)		DATE	

PLEASE NOTE – IT IS AN OFFENCE TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

(Criminal Law (Consolidation) (Scotland) Act 1995 Section 44(2)(b))

NOTES

Information on the Licensing (Scotland) Act 2005 is available on the website of the Scottish Parliament (<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050016.htm>)

1. Change of name or address

Section 88 of the Licensing (Scotland) Act 2005 requires that a personal licence holder must, no later than one month after any change in the licence holder's name or address, give the Licensing Board which issues the licence notice of the change. It is an offence not to do so.

2. Licensing qualifications

Licensing qualifications are dealt with in section 91 of the Licensing (Scotland) Act 2005. In summary, to be eligible for a personal licence, an applicant must be aged 18 or over and possess a licensing qualification, and no personal licence previously held by the applicant must have been revoked within the period of 5 years ending with the day on which the application was received by the Licensing Board.

3. Photographs

One of the photographs submitted with your application should be endorsed on the back. This endorsement should contain the words "I certify that this is a true likeness of (*name of applicant*)", followed by the full name of the person endorsing the photograph.

4. Convictions

Section 75 of the Act places a duty on an applicant for a personal licence to notify the Licensing Board if he or she has been convicted of any relevant or foreign offence during the time between making the application and the application being determined by the Licensing Board. Furthermore, section 82 of the Act requires personal licence holders to notify their Licensing Board of any convictions for relevant or foreign offences within one month of the licence holder being convicted.

5. Data Protection Act 1998

The information on this form may be held on an electronic public register which may be available to members of the public on request.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Licensing (Scotland) Act 2005 makes provision for regulating the sale of alcohol. Section 76 of that Act provides for the issuing of personal licences and other provisions in the Act regulate the circumstances in which a personal licence is required.

These Regulations set out the form of a personal licence (regulation 2 and Schedule 1) and the form of applications for the grant and renewal of such a licence (regulation 3 and Schedule 2).

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