



Licensing Act 2003

2003 CHAPTER 17

PART 6

PERSONAL LICENCES

Grant and renewal of licences

117 Application for grant or renewal of personal licence

- (1) An individual may apply—
 - (a) for the grant of a personal licence, or
 - (b) for the renewal of a personal licence held by him.
- (2) An application for the grant of a personal licence—
 - (a) must, if the applicant is ordinarily resident in the area of a licensing authority, be made to that authority, and
 - (b) may, in any other case, be made to any licensing authority.
- (3) An application for the renewal of a personal licence must be made to the relevant licensing authority.
- (4) Where the application is for renewal of a personal licence, the application must be accompanied by the personal licence or, if that is not practicable, by a statement of the reasons for the failure to provide the licence.
- (5) Subsection (1) is subject to regulations under section 133 (form etc. of applications and notices under this Part).
- (6) An application for renewal may be made only during the period of two months beginning three months before the time the licence would expire in accordance with section 115(1) if no application for renewal were made.

Status: This is the original version (as it was originally enacted).

118 Individual permitted to hold only one personal licence

- (1) An individual who makes an application for the grant of a personal licence under section 117 (“the initial application”) may not make another such application until the initial application has been determined by the licensing authority to which it was made or has been withdrawn.
- (2) A personal licence is void if, at the time it is granted, the individual to whom it is granted already holds a personal licence.

119 Licence continued pending renewal

- (1) Where—
 - (a) an application for renewal is made in accordance with section 117, and
 - (b) the application has not been determined before the time the licence would, in the absence of this section, expire,then, by virtue of this section, the licence continues to have effect for the period beginning with that time and ending with the determination or withdrawal of the application.
- (2) Subsection (1) is subject to section 115(3) and (4) (revocation, forfeiture and suspension) and section 116 (surrender).

120 Determination of application for grant

- (1) This section applies where an application for the grant of a personal licence is made to a licensing authority in accordance with section 117.
- (2) The authority must grant the licence if it appears to it that—
 - (a) the applicant is aged 18 or over,
 - (b) he possesses a licensing qualification or is a person of a prescribed description,
 - (c) no personal licence held by him has been forfeited in the period of five years ending with the day the application was made, and
 - (d) he has not been convicted of any relevant offence or any foreign offence.
- (3) The authority must reject the application if it appears to it that the applicant fails to meet the condition in paragraph (a), (b) or (c) of subsection (2).
- (4) If it appears to the authority that the applicant meets the conditions in paragraphs (a), (b) and (c) of that subsection but fails to meet the condition in paragraph (d) of that subsection, the authority must give the chief officer of police for its area a notice to that effect.
- (5) Where, having regard to—
 - (a) any conviction of the applicant for a relevant offence, and
 - (b) any conviction of his for a foreign offence which the chief officer of police considers to be comparable to a relevant offence,the chief officer of police is satisfied that granting the licence would undermine the crime prevention objective, he must, within the period of 14 days beginning with the day he received the notice under subsection (4), give the authority a notice stating the reasons why he is so satisfied (an “objection notice”).

- (6) Where no objection notice is given within that period (or the notice is withdrawn), the authority must grant the application.
- (7) In any other case, the authority—
- (a) must hold a hearing to consider the objection notice, unless the applicant, the chief officer of police and the authority agree that it is unnecessary, and
 - (b) having regard to the notice, must—
 - (i) reject the application if it considers it necessary for the promotion of the crime prevention objective to do so, and
 - (ii) grant the application in any other case.
- (8) In this section “licensing qualification” means—
- (a) a qualification—
 - (i) accredited at the time of its award, and
 - (ii) awarded by a body accredited at that time,
 - (b) a qualification awarded before the coming into force of this section which the Secretary of State certifies is to be treated for the purposes of this section as if it were a qualification within paragraph (a), or
 - (c) a qualification obtained in Scotland or Northern Ireland or in an EEA State (other than the United Kingdom) which is equivalent to a qualification within paragraph (a) or (b).
- (9) For this purpose—
- “accredited” means accredited by the Secretary of State; and
 - “EEA State” means a state which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992, as adjusted by the Protocol signed at Brussels on 17th March 1993.

121 Determination of application for renewal

- (1) This section applies where an application for the renewal of a personal licence is made to the relevant licensing authority in accordance with section 117.
- (2) If it appears to the authority that the applicant has been convicted of any relevant offence or foreign offence since the relevant time, the relevant licensing authority must give notice to that effect to the chief officer of police for its area.
- (3) Where, having regard to—
- (a) any conviction of the applicant for a relevant offence, and
 - (b) any conviction of his for a foreign offence which the chief officer of police considers to be comparable to a relevant offence,
- the chief officer of police is satisfied that renewing the licence would undermine the crime prevention objective, he must, within the period of 14 days beginning with the day he received the notice under subsection (2), give the authority a notice stating the reasons why he is so satisfied (an “objection notice”).
- (4) For the purposes of subsection (3)(a) and (b) it is irrelevant whether the conviction occurred before or after the relevant time.
- (5) Where no objection notice is given within that period (or any such notice is withdrawn), the authority must grant the application.

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- (6) In any other case, the authority—
- (a) must hold a hearing to consider the objection notice unless the applicant, the chief officer of police and the authority agree that it is unnecessary, and
 - (b) having regard to the notice, must—
 - (i) reject the application if it considers it necessary for the promotion of the crime prevention objective to do so, and
 - (ii) grant the application in any other case.
- (7) In this section “the relevant time” means—
- (a) if the personal licence has not been renewed since it was granted, the time it was granted, and
 - (b) if it has been renewed, the last time it was renewed.

122 Notification of determinations

- (1) Where a licensing authority grants an application—
- (a) it must give the applicant and the chief officer of police for its area a notice to that effect, and
 - (b) if the chief officer of police gave an objection notice (which was not withdrawn), the notice under paragraph (a) must contain a statement of the licensing authority’s reasons for granting the application.
- (2) A licensing authority which rejects an application must give the applicant and the chief officer of police for its area a notice to that effect containing a statement of the authority’s reasons for rejecting the application.
- (3) In this section—
- “application” means an application for the grant or renewal of a personal licence; and
 - “objection notice” has the meaning given in section 120 or 121, as the case may be.

123 Duty to notify licensing authority of convictions during application period

- (1) Where an applicant for the grant or renewal of a personal licence is convicted of a relevant offence or a foreign offence during the application period, he must as soon as reasonably practicable notify the conviction to the authority to which the application is made.
- (2) A person commits an offence if he fails, without reasonable excuse, to comply with subsection (1).
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (4) In this section “the application period” means the period that—
- (a) begins when the application for grant or renewal is made, and
 - (b) ends when the application is determined or withdrawn.

124 Convictions coming to light after grant or renewal

- (1) This section applies where, after a licensing authority has granted or renewed a personal licence, it becomes aware (whether by virtue of section 123(1), 131 or 132 or otherwise) that the holder of a personal licence (“the offender”) was convicted during the application period of any relevant offence or foreign offence.
- (2) The licensing authority must give a notice to that effect to the chief officer of police for its area.
- (3) Where, having regard to—
 - (a) any conviction of the applicant for a relevant offence, and
 - (b) any conviction of his for a foreign offence which the chief officer of police considers to be comparable to a relevant offence,which occurred before the end of the application period, the chief officer of police is satisfied that continuation of the licence would undermine the crime prevention objective, he must, within the period of 14 days beginning with the day he received the notice under subsection (2), give the authority a notice stating the reasons why he is so satisfied (an “objection notice”).
- (4) Where an objection notice is given within that period (and not withdrawn), the authority—
 - (a) must hold a hearing to consider the objection notice, unless the holder of the licence, the chief officer of police and the authority agree it is unnecessary, and
 - (b) having regard to the notice, must revoke the licence if it considers it necessary for the promotion of the crime prevention objective to do so.
- (5) Where the authority revokes or decides not to revoke a licence under subsection (4) it must notify the offender and the chief officer of police of the decision and its reasons for making it.
- (6) A decision under this section does not have effect—
 - (a) until the end of the period given for appealing against the decision, or
 - (b) if the decision is appealed against, until the appeal is disposed of.
- (7) In this section “application period”, in relation to the grant or renewal of a personal licence, means the period that—
 - (a) begins when the application for the grant or renewal is made, and
 - (b) ends at the time of the grant or renewal.

125 Form of personal licence

- (1) Where a licensing authority grants a personal licence, it must forthwith issue the applicant with the licence.
- (2) The licence must—
 - (a) specify the holder’s name and address, and
 - (b) identify the licensing authority which granted it.
- (3) It must also contain a record of each relevant offence and each foreign offence of which the holder has been convicted, the date of each conviction and the sentence imposed in respect of it.
- (4) Subject to subsections (2) and (3), the licence must be in the prescribed form.

Status: This is the original version (as it was originally enacted).

126 Theft, loss, etc. of personal licence

- (1) Where a personal licence is lost, stolen, damaged or destroyed, the holder of the licence may apply to the relevant licensing authority for a copy of the licence.
- (2) Subsection (1) is subject to regulations under section 133(2) (power to prescribe fee to accompany application).
- (3) Where the relevant licensing authority receives an application under this section, it must issue the licence holder with a copy of the licence (certified by the authority to be a true copy) if it is satisfied that—
 - (a) the licence has been lost, stolen, damaged or destroyed, and
 - (b) where it has been lost or stolen, the holder of the licence has reported the loss or theft to the police.
- (4) The copy issued under this section must be a copy of the licence in the form in which it existed immediately before it was lost, stolen, damaged or destroyed.
- (5) This Act applies in relation to a copy issued under this section as it applies in relation to an original licence.