

This Statutory Instrument has in part been made in consequence of defects in S.I. 2007/3290 and S.I. 2021/689 and is being issued free of charge to all known recipients of those Statutory Instruments.

STATUTORY INSTRUMENTS

2022 No. 242

**IMMIGRATION
HOUSING, ENGLAND
HOUSING, SCOTLAND
HOUSING, NORTHERN IRELAND
LICENCES AND LICENSING**

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

<i>Made</i>	- - - -	<i>7th March 2022</i>
<i>Laid before Parliament</i>		<i>9th March 2022</i>
<i>Coming into force</i>	- -	<i>6th April 2022</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by—

- (a) sections 118, 119 and 166(3) of the Immigration and Asylum Act 1999⁽¹⁾,
- (b) sections 54 and 133(1) of the Licensing Act 2003⁽²⁾,
- (c) sections 15(3) and (7), 19(2), 20(1) and 23(3) of the Immigration, Asylum and Nationality Act 2006⁽³⁾ (“the 2006 Act”),
- (d) sections 24(2), (4), (7) and (8), 26(2), (4), (7) and (8), 32(5) and (6), 33(2) and (5), 34(1) and 40(3) and (4) of the Immigration Act 2014⁽⁴⁾ (“the 2014 Act”),
- (e) paragraph 5(6) of Schedule 6 to the Immigration Act 2016⁽⁵⁾.

(1) 1999 c. 33. Section 118(1)(b) was amended by the Immigration, Asylum and Nationality Act 2006 (c. 13), section 43(3). Section 119 was amended by the Housing and Regeneration Act 2008 (c. 17), Schedule 15, paragraph 22 and S.I. 2020/1309.

(2) 2003 c. 17.

(3) 2006 c. 13. Section 23(1) was amended by the Equality Act 2010 (c. 15), Schedule 26, paragraph 86. The expression “prescribed” is defined in section 25(d).

(4) 2014 c. 22. The expression “prescribed” is defined in section 37(1).

(5) 2016 c. 19.

In accordance with section 19(2) and (3) of the 2006 Act (code of practice: civil penalties), a draft revised code of practice has been laid before Parliament.

In accordance with section 23(2) and (5) of the 2006 Act (code of practice: discrimination), the Secretary of State has—

- (a) consulted the bodies specified in section 23(2)(a)(i) and (ii),
- (b) consulted the bodies the Secretary of State thought appropriate, in accordance with section 23(2)(a)(iii) and (iv),
- (c) published a draft revised code after the consultation,
- (d) considered representations made about the draft revised code, and
- (e) laid a draft revised code before Parliament with modifications to the code to reflect the representations.

In accordance with section 32(5) and (6) of the 2014 Act (code of practice: civil penalties), a draft revised code of practice has been laid before Parliament.

In accordance with section 33(2) to (5) of the 2014 Act (code of practice: discrimination), the Secretary of State has—

- (a) consulted the bodies specified in section 33(3)(a) and (b),
- (b) consulted the persons representing the interests of landlords and tenants the Secretary of State considered appropriate, in accordance with section 33(3)(c),
- (c) published a draft revised code after the consultation under section 33(3), and
- (d) laid a draft revised code before Parliament.

PART 1

Introductory

Citation, commencement and extent

1.—(1) These Regulations—

- (a) may be cited as 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, and
- (b) come into force on 6th April 2022.

(2) This Part and Part 4 extend to England and Wales, Scotland and Northern Ireland.

(3) The amendments made by Parts 2, 3, and 5 have the same extent as the provisions that they amend.

PART 2

Access to housing

Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000

2.—(1) The Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000(6) is amended as follows.

(2) In article 2 (interpretation), at the appropriate place, insert—

““the Human Rights Convention” means the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4th November 1950(7) as it has effect for the time being in relation to the United Kingdom;”.

(3) In article 3 (housing authority accommodation—England, Scotland and Northern Ireland)—

(a) in paragraph (g) after “person” insert “who is habitually resident in the Common Travel Area”;

(b) after paragraph (j) insert—

“(k) Class FE—a person (P)—

(i) who has limited leave to enter or remain in the United Kingdom on family or private life grounds under Article 8 of the Human Rights Convention that is granted under the immigration rules; and

(ii) whose leave is not subject to a condition requiring P to maintain and accommodate P, and any person who is dependent on P, without recourse to public funds;

(l) Class FF—a person who is habitually resident in the Common Travel Area who has limited leave to remain in the United Kingdom under paragraphs 352J or 352K of the immigration rules;

(m) Class FG—a person (P)—

(i) who is habitually resident in the Common Travel Area and has limited leave to enter or remain in the United Kingdom under Appendix Hong Kong British National (Overseas) of the immigration rules; and

(ii) whose leave is not subject to a condition requiring P to maintain and accommodate P, and any person who is dependent on P, without recourse to public funds.”.

(4) In article 7(1) (homelessness—Scotland and Northern Ireland), in sub-paragraph (a)—

(a) for “3(g) to (j)”, substitute “3(g) to (m)”;

(b) for “Class FC and Class FD”, substitute “Class FC, Class FD, Class FE, Class FF and Class FG”.

(6) S.I. 2000/706.

(7) European Treaty Series No.005, Rome, 4th November 1950.

PART 3

Access to employment and accommodation in the private rented sector

Immigration (Restrictions on Employment) Order 2007

- 3.—(1) The Immigration (Restrictions on Employment) Order 2007⁽⁸⁾ is amended as follows.
- (2) In article 2, at the appropriate place, insert—
- ““Home Office Employer Checking Service” means the enquiry and advice service for employers operated by the Home Office;”.
- (3) In article 4A(1)(a)(i) after “paragraph 1A,” insert “1AA,”.
- (4) For articles 11 and 12, substitute—

“Code of practice: civil penalties

11. The revised code of practice entitled “Code of practice on preventing illegal working: Civil penalty scheme for employers”⁽⁹⁾, issued by the Secretary of State under section 19(1) and (3) of the 2006 Act and laid in draft before Parliament on 2nd March 2022, comes into force on 6th April 2022.

Code of practice: discrimination

12. The revised code of practice entitled “Code of practice for employers: Avoiding unlawful discrimination while preventing illegal working”⁽¹⁰⁾, issued by the Secretary of State under section 23(1) and (5) of the 2006 Act and laid in draft before Parliament on 2nd March 2022, comes into force on 6th April 2022.”.

- (5) In the Schedule—
- (a) in List A—
- (i) in paragraph 1, after “A passport”, insert “(current or expired)”;
- (ii) in paragraph 1 omit “, or a person named in the passport as the child of the holder,”;
- (iii) omit paragraph 4A;
- (iv) for paragraph 4B, substitute—
- “4B. A passport or passport card (in either case, whether current or expired) showing that the holder is an Irish citizen.”;
- (v) omit paragraph 5;
- (b) in List B – Part 1, omit paragraphs 2, 3A and 3C;
- (c) in List B – Part 2—
- (i) before paragraph 1B, insert—
- “1AA. A Certificate of Application issued by the Home Office, showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules on or after 1st July 2021.”;

⁽⁸⁾ S.I. 2007/3290; relevant amending instruments are S.I. 2009/2908, 2014/1183, 2018/1340, 2021/689.

⁽⁹⁾ A copy of this Code as laid in draft and final forms can be obtained from Home Office, Civil Penalty Compliance Team, PO BOX 665, Salford, M5 0LY 4DF and online at [Illegal working penalties: codes of practice for employers - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/111111/illegal-working-penalties-codes-of-practice-for-employers.pdf)

⁽¹⁰⁾ A copy of this Code as laid in draft and final forms can be obtained from Home Office, Civil Penalty Compliance Team, PO BOX 665, Salford, M5 0LY 4DF and online at [Avoiding discrimination while preventing illegal working: code of practice, 2014 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/111111/avoiding-discrimination-while-preventing-illegal-working-code-of-practice-2014.pdf)

(ii) for paragraph 1B, substitute—

“**1B.** A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey, or the Isle of Man, showing that the holder has made an application for leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008, or Appendix EU to the Isle of Man Immigration Rules (as the case may be).”.

Immigration (Residential Accommodation) (Prescribed Requirements and Codes of Practice) Order 2014

4.—(1) The Immigration (Residential Accommodation) (Prescribed Requirements and Codes of Practice) Order 2014⁽¹¹⁾ is amended as follows.

(2) In article 4, after paragraph (b)(i)(cc), insert—

“(cca) they have a Certificate of Application issued by the Home Office, showing that they have made an application for leave to enter or remain under Appendix EU to the immigration rules on or after 1st July 2021, or

(ccb) they have a document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey, or the Isle of Man, showing that the holder has made an application for leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008, or Appendix EU to the Isle of Man Immigration Rules (as the case may be), or”.

(3) For articles 13 and 14, substitute—

“Code of practice: civil penalties

13. The revised code of practice entitled “Code of practice on right to rent: civil penalty scheme for landlords and their agents”⁽¹²⁾, issued by the Secretary of State under section 32(5) of the Act and laid in draft before Parliament on 2nd March 2022, comes into force on 6th April 2022.

Code of practice: discrimination

14. The revised code of practice entitled “Code of practice for landlords: Avoiding unlawful discrimination when conducting ‘right to rent’ checks in the private rented residential sector”⁽¹³⁾, issued by the Secretary of State under section 33(2) of the Act and laid in draft before Parliament on 2nd March 2022, comes into force on 6th April 2022.”.

(4) In the Schedule—

(a) in List A(1)—

(i) for paragraph 1A, substitute—

“**1A.** A passport or passport card (in either case, whether current or expired) showing that the holder is an Irish citizen.”;

(ii) omit paragraphs 5, 6 and 7;

⁽¹¹⁾ S.I. 2014/2874; relevant amending instruments are S.I. 2016/9, 2020/1047, 2021/689.

⁽¹²⁾ A copy of this Code as laid in draft and final forms can be obtained from Home Office, Civil Penalty Compliance Team, PO BOX 665, Salford, M5 0LY 4DF and online at <https://www.gov.uk/government/publications/right-to-rent-landlords-code-of-practice>

⁽¹³⁾ A copy of this Code as laid in draft and final forms can be obtained from Home Office, Civil Penalty Compliance Team, PO BOX 665, Salford, M5 0LY 4DF and online at <https://www.gov.uk/government/publications/right-to-rent-landlords-code-of-practice>

- (b) in List B, omit paragraphs 2, 3, 5, 7 and 8.

Illegal Working Compliance Orders Regulations 2016

- 5.—(1) The Illegal Working Compliance Orders Regulations 2016(14) are amended as follows.
- (2) In regulation 2 (interpretation), at the appropriate place, insert—
- ““Home Office Employer Checking Service” means the enquiry and advice service for employers operated by the Home Office;”.
- (3) In Schedule 1—
- (a) in paragraph 1 omit “, or a person named in the passport as the child of the holder;”;
- (b) for paragraph 1A, substitute—
- “1A. A passport or passport card (in either case, whether current or expired) showing that the holder is an Irish citizen.”;
- (c) omit paragraphs 1B and 5.
- (4) In Schedule 2, omit paragraphs 2, 3A, 3C and 3D.

Licensing forms

- 6.—(1) In the Licensing Act 2003 (Personal licences) Regulations 2005(15), for the form in Schedule 1 to those Regulations, substitute the form in Schedule 1 to these Regulations.
- (2) In the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005(16), for the form in—
- (a) Schedule 2 to those Regulations, substitute the form in Schedule 2 to these Regulations;
- (b) Schedule 6 to those Regulations, substitute the form in Schedule 3 to these Regulations;
- (c) Schedule 7 to those Regulations, substitute the form in Schedule 4 to these Regulations.

PART 4

Access to financial services

Specified anti-fraud organisation

- 7.—(1) For the purposes of section 40 of the Immigration Act 2014(17), Synectics Solutions Limited, a company registered in England and Wales with registered number 2685135, is specified as an anti-fraud organisation.
- (2) The Immigration Act 2014 (Specified Anti-fraud Organisation) Order 2014(18) is revoked.

(14) [S.I. 2016/1058](#); relevant amending instruments are [S.I. 2018/1340](#), [2021/689](#).

(15) [S.I. 2005/41](#).

(16) [S.I. 2005/42](#).

(17) [2014 c. 22](#); section 40A, which refers to specified anti-fraud organisations, was inserted by the Immigration Act 2016 ([c. 19](#)), Schedule 7, paragraph 2.

(18) [S.I. 2014/1798](#).

PART 5

Use of Identity Document Validation Technology (IDVT)

IDVT amendments: Immigration (Restrictions on Employment) Order 2007

8.—(1) The Immigration (Restrictions on Employment) Order 2007 is amended as follows.

(2) In article 2, at the appropriate places, insert—

““identity document validation technology” means technology operated by a person for the purpose of verifying the identity of another person (“the subject”), whereby a digital copy of a physical document relating to the subject is produced by or in relation to the subject for verification of—

- (a) the document’s validity, and
- (b) whether the subject is the rightful holder of the document;”;

““IDVT identity check” means the response generated by an IDVT identity service provider, using identity document validation technology, when undertaking identity verification with respect to a person;”;

““IDVT identity service provider” means a person that provides identity verification services using identity document validation technology;”;

““relevant IDVT document” means a document falling within the description in paragraph 1 or 4B of list A of the Schedule and which has not expired;”.

(3) After article 3 insert—

3A.—(1) An employer is excused from paying a penalty under section 15 of the 2006 Act if the employer—

- (a) obtains from an IDVT identity service provider an IDVT identity check which shows that there exists in relation to the employee a relevant IDVT document,
- (b) receives from the IDVT identity service provider a clear copy of the IDVT identity check, and the document checked, in a format which cannot be subsequently altered,
- (c) reasonably believes that the IDVT identity service provider has complied with the requirements set out in article 6A(1), and
- (d) complies with the requirements set out in article 6A(2).

(2) This article is subject to article 5A.”.

(4) After article 5 insert—

5A. An employer is excused from paying a penalty under section 15 of the 2006 Act by virtue of article 3A(1) only if the requirements of article 3A(1) are satisfied before the commencement of employment (other than the requirement in paragraph (1)(d) in so far as it relates to article 6A(2)(b)).”.

(5) After article 6 insert—

6A.—(1) The requirements mentioned in article 3A(1)(c) are, in relation to a relevant IDVT document produced for the purposes of an IDVT identity check in pursuance of article 3A(1)(a), that—

- (a) the IDVT identity service provider takes all reasonable steps to check the validity of the document;

- (b) the IDVT identity service provider records in a format that cannot be subsequently altered the date on which the check was carried out;
 - (c) the IDVT identity service provider is satisfied that the photograph is of the employee;
 - (d) the IDVT identity service provider is satisfied that the date of birth is consistent with the appearance of the employee;
 - (e) the IDVT identity service provider takes all reasonable steps to verify that the employee is the rightful holder of the document;
 - (f) where the document is a passport which is not in the form of a card, the IDVT identity service provider retains a clear copy of the following pages of that document in a format which cannot be subsequently altered—
 - (i) any page containing the holder’s personal details including nationality;
 - (ii) any page containing the holder’s photograph;
 - (iii) any page containing the date of expiry;
 - (g) where the document is a travel document in the form of a card, the IDVT identity service provider retains a clear copy of the whole of that document in a format which cannot be subsequently altered.
- (2) The requirements mentioned in article 3A(1)(d) are that—
- (a) the employer is satisfied that the photograph of the individual contained in the information received by the employer in accordance with article 3A(1)(b) is of the employee;
 - (b) the employer retains a clear copy of the IDVT identity check, and the document checked, for a period of not less than two years after the employment has come to an end.”.

IDVT amendments: Immigration (Residential Accommodation) (Prescribed Requirements and Codes of Practice) Order 2014

9.—(1) The Immigration (Residential Accommodation) (Prescribed Requirements and Codes of Practice) Order 2014 is amended as follows.

(2) In article 2 (interpretation), at the appropriate places, insert—

““identity document validation technology” means technology operated by a person for the purpose of verifying the identity of another person (“the subject”), whereby a digital copy of a physical document relating to the subject is produced by or in relation to the subject for verification of—

- (a) the document’s validity, and
- (b) whether the subject is the rightful holder of the document;”;

““IDVT identity check” means the response generated by an IDVT identity service provider, using identity document validation technology, when undertaking identity verification with respect to a person;”;

““IDVT identity service provider” means a person that provides identity verification services using identity document validation technology;”;

““relevant IDVT document” means a document falling within the description in paragraph 1 or 1A of List A(1) of the Schedule and which has not expired;”.

(3) In article 3 (the prescribed requirements), after paragraph (a), insert—

- “(aa) article 5ZA applies (IDVT identity check);”.

(4) After article 5 insert—

“**5ZA.** This article applies if a landlord or agent—

- (a) obtains from an IDVT identity service provider an IDVT identity check which shows that there exists in relation to the occupier or prospective occupier a relevant IDVT document,
- (b) receives from the IDVT identity service provider a clear copy of the IDVT identity check, and the document checked, in a format which cannot be subsequently altered,
- (c) reasonably believes that the IDVT identity service provider has complied with the requirements set out in article 5ZB(1), and
- (d) complies with the requirements set out in article 5ZB(2).

5ZB.—(1) The requirements mentioned in article 5ZA(c) are, in relation to a relevant IDVT document produced for the purposes of an IDVT identity check in pursuance of article 5ZA(a), that—

- (a) the IDVT identity service provider takes all reasonable steps to check the validity of the document;
- (b) the IDVT identity service provider records in a format that cannot be subsequently altered the date on which the check was carried out;
- (c) the IDVT identity service provider is satisfied that the photograph is of the occupier or prospective occupier;
- (d) the IDVT identity service provider is satisfied that the date of birth is consistent with the appearance of the occupier or prospective occupier;
- (e) the IDVT identity service provider takes all reasonable steps to verify that the occupier or prospective occupier is the rightful holder of the document;
- (f) where the document is a passport which is not in the form of a card, the IDVT identity service provider retains a clear copy of the following pages of that document in a format which cannot be subsequently altered—
 - (i) any page containing the holder’s personal details including nationality;
 - (ii) any page containing the holder’s photograph;
 - (iii) any page containing the date of expiry;
- (g) where the document is a travel document in the form of a card, the IDVT identity service provider retains a clear copy of the whole of that document in a format which cannot be subsequently altered.

(2) The requirements mentioned in article 5ZA(d) are that—

- (a) the landlord or agent is satisfied that the photograph of the individual contained in the information received by the landlord or agent in accordance with article 5ZA(b) is of the occupier or prospective occupier;
- (b) the landlord or agent retains a clear and legible copy of the IDVT identity check, and the documents checked, for a period of not less than one year after the residential tenancy has come to an end;
- (c) the landlord or agent takes all reasonable steps to identify any additional occupants of the property at the time the occupier or prospective occupier enters into the residential tenancy agreement.”.

(5) In article 7—

- (a) the words from “article 4” to the end become paragraph (a);

(b) after paragraph (a) insert—

“;

(b) article 5ZA for any period longer than is necessary for the purposes of ensuring compliance with article 5ZB.”.

IDVT amendments: Illegal Working Compliance Orders Regulations 2016

10.—(1) The Illegal Working Compliance Orders Regulations 2016 are amended as follows.

(2) In regulation 2 (interpretation), in the appropriate places, insert—

““identity document validation technology” means technology operated by a person for the purpose of verifying the identity of another person (“the subject”), whereby a digital copy of a physical document relating to the subject is produced by or in relation to the subject for verification of—

(a) the document’s validity, and

(b) whether the subject is the rightful holder of the document;”;

““IDVT identity check” means the response generated by an IDVT identity service provider, using identity document validation technology, when undertaking identity verification with respect to a person;”;

““IDVT identity service provider” means a person that provides identity verification services using identity document validation technology;”;

““relevant IDVT document” means a document falling within the description in paragraph 1 or 1A of Schedule 1 and which has not expired;”.

(3) In regulation 3 (obligation to conduct right to work checks), after “regulation 4,”, insert “4A,”.

(4) After regulation 4 insert—

“Right to work checks: IDVT identity check

4A. A relevant person must—

(a) obtain in relation to the employee from an IDVT identity service provider an IDVT identity check which shows that there exists in relation to the employee a relevant IDVT document,

(b) receive from the IDVT identity service provider a copy of the IDVT identity check, and the document checked, in a format which cannot be subsequently altered,

(c) reasonably believe that the IDVT identity service provider has complied with the requirements set out in regulation 6A(1), and

(d) comply with the requirements set out in regulation 6A(2).”.

(5) After regulation 6 insert—

“Right to work checks: IDVT identity checks—requirements

6A.—(1) The requirements mentioned in regulation 4A(c) are, in relation to a relevant IDVT document produced for the purposes of an IDVT identity check in pursuance of regulation 4A(a), that—

(a) the IDVT identity service provider takes all reasonable steps to check the validity of the document;

(b) the IDVT identity service provider records in a format that cannot be subsequently altered the date on which the check was carried out;

- (c) the IDVT identity service provider is satisfied that the photograph is of the employee;
 - (d) the IDVT identity service provider is satisfied that the date of birth is consistent with the appearance of the employee;
 - (e) the IDVT identity service provider takes all reasonable steps to verify that the employee is the rightful holder of the document;
 - (f) where the document is a passport which is not in the form of a card, the IDVT identity service provider retains a clear copy of the following pages of that document in a format which cannot be subsequently altered—
 - (i) any page containing the holder’s personal details including nationality;
 - (ii) any page containing the holder’s photograph;
 - (iii) any page containing the date of expiry;
 - (g) where the document is a travel document in the form of a card, the IDVT identity service provider retains a clear copy of the whole of that document in a format which cannot be subsequently altered.
- (2) The requirements mentioned in regulation 4A(d) are that—
- (a) the relevant person is satisfied that the photograph of the individual contained in the information received by the relevant person in accordance with regulation 4A(b) is of the employee;
 - (b) the relevant person retains a clear copy of the IDVT identity check, and the documents checked, for a period of not less than two years after the employment has come to an end.”.
- (6) In regulation 7 (obligation to produce documents to an immigration officer) for “or 9A” substitute “, 9A or 9B”.
- (7) After regulation 9A insert—

“Documents to be produced to an immigration officer: IDVT identity check

9B. A relevant person must produce a clear copy of the IDVT identity check and the document checked.”.

- (8) In regulation 10 (restriction on retention of documents) for “or 9A” substitute “, 9A or 9B”.

7th March 2022

Kevin Foster
Parliamentary Under Secretary of State
Home Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Regulation 6(1)

Substitute application form for personal licence

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		

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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 '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.	

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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 <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"/>
Licensing Authority		
Licence number		
Date of issue		
Any further details		

4. 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 solicitor or notary, a person of standing in the community or any individual with a professional qualification 	<input type="checkbox"/>
<ul style="list-style-type: none"> enclosed any licensing qualification I hold or proof that I am a person of prescribed description 	<input type="checkbox"/>
<ul style="list-style-type: none"> 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"/>
<ul style="list-style-type: none"> enclosed a completed disclosure of criminal convictions and declaration form (Schedule 2) 	<input type="checkbox"/>
<ul style="list-style-type: none"> 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) 	<input type="checkbox"/>
<ul style="list-style-type: none"> made or enclosed payment of the fee for the application 	<input type="checkbox"/>

5. Declaration
<p>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.</p> <p>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.</p> <p>The information contained in this form is correct to the best of my knowledge and belief.</p>

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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 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.
- 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 share code, provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work> which,

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 2

Regulation 6(2)(a)

Substitute application form for premises licence under the Licensing Act 2003

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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 in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
Post town		Postcode	

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

a)	an individual or individuals *	<input type="checkbox"/>	please complete section (A)
b)	a person other than an individual *	<input type="checkbox"/>	
i	as a limited company/limited liability partnership	<input type="checkbox"/>	please complete section (B)
ii	as a partnership (other than limited liability)	<input type="checkbox"/>	please complete section (B)
iii	as an unincorporated association or	<input type="checkbox"/>	please complete section (B)
iv	other (for example a statutory corporation)	<input type="checkbox"/>	please complete section (B)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

c)	a recognised club	<input type="checkbox"/>	please complete section (B)
d)	a charity	<input type="checkbox"/>	please complete section (B)
e)	the proprietor of an educational establishment	<input type="checkbox"/>	please complete section (B)
f)	a health service body	<input type="checkbox"/>	please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales	<input type="checkbox"/>	please complete section (B)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England	<input type="checkbox"/>	please complete section (B)
h)	the chief officer of police of a police force in England and Wales	<input type="checkbox"/>	please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
- statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)					

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

--

SECOND INDIVIDUAL APPLICANT (if applicable)

<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	<input type="checkbox"/> Other Title (for example, Rev)	
Surname			First names		
Date of birth or over		I am 18 years old		<input type="checkbox"/> Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service: (please see note 15 for information)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start? DD MM YYYY

--	--	--	--	--	--	--	--	--	--	--	--

If you wish the licence to be valid only for a limited period, when do you want it to end? DD MM YYYY

--	--	--	--	--	--	--	--	--	--	--	--

Please give a general description of the premises (please read guidance note 1)

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)	Please tick all that apply
a) plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b) films (if ticking yes, fill in box B)	<input type="checkbox"/>
c) indoor sporting events (if ticking yes, fill in box C)	<input type="checkbox"/>
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	<input type="checkbox"/>

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

e)	live music (if ticking yes, fill in box E)	<input type="checkbox"/>
f)	recorded music (if ticking yes, fill in box F)	<input type="checkbox"/>
g)	performances of dance (if ticking yes, fill in box G)	<input type="checkbox"/>
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	<input type="checkbox"/>

<u>Provision of late night refreshment</u> (if ticking yes, fill in box I)	<input type="checkbox"/>
<u>Supply of alcohol</u> (if ticking yes, fill in box J)	<input type="checkbox"/>

In all cases complete boxes K, L and M

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the <u>boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finis h		Outdoors	
Mon			Please give further details here (please read guidance note 4)	Both	
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finis h		Outdoors	
Mon			Please give further details here (please read guidance note 4)	Both	
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 4)	Both	
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for <u>consumption – please tick</u> (please read guidance note 8)	On the premises	
Day	Start	Finis h		Off the premises	
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 5)	Both	
Tue					
Wed					
Thur			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	
Date of birth	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon			<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p>
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Checklist:

Please tick to indicate agreement

	• I have made or enclosed payment of the fee.	<input type="checkbox"/>
	• I have enclosed the plan of the premises.	<input type="checkbox"/>
	• I have sent copies of this application and the plan to responsible authorities and others where applicable.	<input type="checkbox"/>
	• I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	<input type="checkbox"/>
	• I understand that I must now advertise my application.	<input type="checkbox"/>
	• I understand that if I do not comply with the above requirements my application will be rejected.	<input type="checkbox"/>
	• [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).	<input type="checkbox"/>

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do
--------------------	--

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

	<p>not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</p> <ul style="list-style-type: none"> The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	
Capacity	

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.
15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A 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 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 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.
- 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 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, will allow the licensing authority to carry out the check.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 3

Regulation 6(2)(b)

Substitute application form to transfer premises licence under the Licensing Act 2003

Application to transfer premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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 in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We _____
(Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Post town	Post code
Telephone number at premises (if any)	

Please give a brief description of the premises (see note 1)

Name of current premises licence holder

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?	
	Please tick yes
a) an individual or individuals*	<input type="checkbox"/> please complete section (A)
b) a person other than an individual *	
i. as a limited company/limited liability partnership	<input type="checkbox"/> please complete section (B)
ii. as a partnership (other than limited liability)	<input type="checkbox"/> please complete section (B)
iii. as an unincorporated association or	<input type="checkbox"/> please complete section (B)
iv. other (for example a statutory corporation)	<input type="checkbox"/> please complete section (B)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

c) a recognised club	<input type="checkbox"/> please complete section (B)
d) a charity	<input type="checkbox"/> please complete section (B)
e) the proprietor of an educational establishment	<input type="checkbox"/> please complete section (B)
f) a health service body	<input type="checkbox"/> please complete section (B)
g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales	<input type="checkbox"/> please complete section (B)
h) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England	<input type="checkbox"/> please complete section (B)
i) the chief officer of police of a police force in England and Wales	<input type="checkbox"/> please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves
the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname		First names	
Date of Birth		Nationality	
			Please tick yes
I am 18 years old or over			<input type="checkbox"/>
Current residential address if different from premises address			
Post town		Post code	

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Daytime contact telephone number	
E-mail address (optional)	
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by the service (please see note 2 for information)	

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title
 (for example, Rev)

Surname		First name	
Date of Birth		Nationality	
I am 18 years old or over		Please tick yes <input type="checkbox"/>	
Current residential address if different from premises address			
Post town		Post code	
Daytime contact telephone number			
E-mail address (optional)			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by the service (please see note 2 for information)			

(B) OTHER APPLICANTS

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc)
Telephone number (if any)
E-mail address (optional)

Part 3

Please tick yes

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please tick yes

I have enclosed the consent form signed by the existing premises licence holder

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

Please tick yes

I have enclosed the premises licence

If you have not enclosed premises licence referred to above please give the reasons why not.

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I have sent a copy of this form to the Home Office Immigration Enforcement today
- I have included documents, or my Home Office online right to work checking service share code, to demonstrate my entitlement to work in the United Kingdom (please read note 2). [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships]
- I understand that if I do not comply with the above requirements my application will be rejected

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT, WILL BE LIABLE FOR A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 2)

Part 4 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

For joint applicants signature of 2nd applicant, 2nd applicant's solicitor or other authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Notes for Guidance

1. Describe the premises. For example, the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.

2. Right to work/immigration status

A 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 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 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.
- 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 share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right->

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

[to-work](#)) which, 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.

3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
6. This is the address which we shall use to correspond with you about this application.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 4

Regulation 6(2)(c)

Substitute form of interim authority notice under the Licensing Act 2003

**Interim authority notice under the Licensing Act 2003
PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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 in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I/We _____
(Insert name of applicant)
give this interim authority notice under section 47 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number (if known)

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
Post town		Post code	
Telephone number (if any)			
E-mail address (optional)			

Part 2 – Notice giver details

In what capacity are you giving the interim authority notice?
See section 47 of licensing Act 2003

Please tick yes

- a) I am an individual with a legal interest in the premises as freeholder or leaseholder please complete section (A)
- b) I am a person other than an individual with a legal interest in the premises as freeholder or leaseholder
 - i. a limited company/limited liability partnership please complete section (B)
 - ii. a partnership (other than limited liability) please complete section (B)
 - iii. an unincorporated association or please complete section (B)
 - iv. Other (for example a statutory corporation) please complete section (B)
- c) I am a personal representative for the former premises licence holder who has died please complete section (B)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- d) I have power of attorney which is registered for the former premises licence holder who has become mentally incapable please complete section (B)
- e) I am the insolvency practitioner for the former premises licence holder who is insolvent please complete section (B)
- f) I am applying as the former premises licence holder is no longer entitled to work in the UK. please complete section (B)

Date of lapsing of licence

On what date (as applicable)	Day Month Year
• did the former premises licence holder die?	<input type="text"/>
• was the power of attorney registered under section 6 of the Enduring Powers of Attorney Act 1985 or the lasting power of attorney registered under the Mental Capacity Act 2005?	<input type="text"/>
• did the former holder become insolvent?	<input type="text"/>
• did the former holder's immigration status expire	<input type="text"/>

(A) DETAILS OF INDIVIDUAL NOTICE GIVERS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			Nationality		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current residential address if different from premises address					
Post Town			Postcode		
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by the service (please see note 2 for information)					

DETAILS OF SECOND INDIVIDUAL NOTICE GIVER (IF APPLICABLE)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of Birth			Nationality		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current residential address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by the service (please see note 2 for information)					

(B) NON-INDIVIDUAL NOTICE GIVER

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

E-mail address (optional)

PART 3

Yes (please tick)

Has an interim authority notice previously been given relating to this premises and the former premises licence holder?

If not when do you want the variation to take effect from

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Has there been an application to transfer the premises licence under section 50 of the Licensing Act 2003?

	Yes (please tick)
• I have made or enclosed payment of the fee	<input type="checkbox"/>
• I have sent a copy of this form to the chief officer of police for the area in which the premises is situated	<input type="checkbox"/>
• I have sent a copy of this form to Home Office Immigration Enforcement	<input type="checkbox"/>
• I have notified the designated premises supervisor (if different from the premises licence holder), if any	<input type="checkbox"/>
• I confirm that I am entitled to work in the United Kingdom (see guidance note 2)	<input type="checkbox"/>
• I understand that if I do not comply with the above requirements my application will be rejected	<input type="checkbox"/>

THIS NOTICE WILL LAPSE AT THE END OF THE 28 DAY PERIOD, AFTER THE LAPSING OF THE PREMISES LICENCE, UNLESS A COPY OF THE NOTICE HAS BEEN GIVEN TO THE CHIEF OFFICER OF POLICE FOR THE POLICE AREA OR EACH POLICE AREA IN WHICH THE PREMISES IS SITUATED; AND A COPY HAS BEEN SENT TO HOME OFFICE IMMIGRATION ENFORCEMENT. (IF THE LICENSABLE ACTIVITY IS THE RETAIL OF ALCOHOL OR THE PROVISION OF LATE-NIGHT REFRESHMENT, THE NOTICE GIVER MUST FORWARD THE IAN ONTO THE POLICE AND SOS. IF THE LICENSABLE ACTIVITY RELATES TO THE SUPPLY OF ALCOHOL BY A CLUB TO A MEMBER OR THE PROVISION OF REGULATED ENTERTAINMENT, THE IAN MUST BE FORWARDED ONTO THE POLICE ONLY).

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

CONDITIONS AS TO EMPLOYMENT, WILL BE LIABLE FOR A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note1)

Signature of notice giver or notice giver's solicitor or other duly authorised agent (please read guidance note 3). If signing on behalf of the notice giver please state in what capacity.

Signature	
Date	
Capacity	

For joint notices signature of 2nd notice giver or 2nd notice giver's solicitor or other authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this notice (please read guidance note 5)			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

Notes for Guidance

1. The notice must be signed.
2. Right to work/immigration status

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

A 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 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 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.
- 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 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, 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.

3. A notice giver's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one notice giver, both notice givers or their respective agents must sign the application form.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

5. This is the address which we shall use to correspond with you about this application.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to legislation relating to immigration.

Part 2 (regulation 2) amends the Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000 (S.I. 2000/706) (“the 2000 Order”). Under sections 118 and 119 of the Immigration and Asylum Act 1999 (c. 33), a person who is subject to immigration control is ineligible for an allocation of housing authority accommodation or homelessness assistance, unless they come within a class of persons specified in an Order made by the Secretary of State. The 2000 Order makes such provision. Regulation 2 amends article 3 of the 2000 Order (eligibility of persons subject to immigration control for an allocation of housing accommodation in England, Scotland and Northern Ireland). It specifies three additional classes of persons subject to immigration control who are eligible for an allocation of housing and makes amendments to an existing class. It further amends article 7(1) (eligibility of persons subject to immigration control for homelessness assistance in Scotland and Northern Ireland) to make provision for the three new classes.

Part 3 makes amendments in relation to the checks of immigration status that must be undertaken by employers in relation to the employment of employees (regulation 3 amends the Immigration (Restrictions on Employment) Order 2007 (S.I. 2007/3290) (“the 2007 Order”)) and by landlords or agents in relation to residential tenancies in relation to occupiers or prospective occupiers (regulation 4 amends the Immigration (Residential Accommodation) (Prescribed Requirements and Codes of Practice) Order 2014 (S.I. 2014/2874)). In each case provision is made for new codes of practice on civil penalties and discrimination to take effect from 6th April 2022 and for changes to be made to lists of documentation which may prove immigration status. In the case of the 2007 Order, the Home Office Employer Checking Service is defined expressly.

Regulation 5 makes amendments to the Illegal Working Compliance Orders Regulations 2016 (S.I. 2016/1058) (“the 2016 Regulations”), which are analogous to those made to the 2007 Order.

Regulation 6 substitutes amended forms for use in relation to applications for personal and premises licences under the Licensing Act 2003, to correct typographical errors in the equivalent forms which were introduced by 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).

Part 4 provides for the specification of a new anti-fraud organisation in place of the existing organisation (relating to checks of immigration status of persons in relation to current accounts).

Part 5 makes further amendments to the 2007 Order and 2014 Order, which deal with where employers, landlords and agents have excuses to civil penalties for employing or renting to persons without valid immigration status. The amendments allow the right to work or the right to rent (as the case may be) to be checked via the use of identity document validation technology, where verification will be undertaken on the part of an employer, a landlord or an agent by a third-party service provider. Analogous amendments are made to the 2016 Regulations.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.