



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 6

#### PERSONAL LICENCES

##### *<sup>F1</sup>Grant ... of licences*

#### **120 Determination of application for grant**

- (1) This section applies where an application for the grant of a personal licence is made to a licensing authority in accordance with section 117.
- (2) The authority must grant the licence if it appears to it that—
  - (a) the applicant is aged 18 or over,
  - <sup>F1</sup>(aa) he is entitled to work in the United Kingdom,]
  - (b) he possesses a licensing qualification or is a person of a prescribed description,
  - (c) no personal licence held by him has been forfeited in the period of five years ending with the day the application was made, and
  - (d) he has not been convicted of any relevant offence or any foreign offence [<sup>F2</sup>or required to pay an immigration penalty].
- (3) The authority must reject the application if it appears to it that the applicant fails to meet the condition in [<sup>F3</sup>any of paragraphs (a) to (c)] of subsection (2).
- (4) If it appears to the authority that the applicant meets the conditions in paragraphs [<sup>F4</sup>(a) to (c)] of that subsection but fails to meet the condition in paragraph (d) of that subsection, the authority must give the chief officer of police for its area a notice to that effect.
- (5) Where, having regard to—
  - (a) any conviction of the applicant for a relevant offence, <sup>F5</sup>...
  - (b) any conviction of his for a foreign offence which the chief officer of police considers to be comparable to a relevant offence, [<sup>F6</sup>and
  - (c) the applicant having been required to pay any immigration penalty,]

---

**Changes to legislation:** Licensing Act 2003, Section 120 is up to date with all changes known to be in force on or before 07 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

the chief officer of police is satisfied that granting the licence would undermine the crime prevention objective, he must, within the period of 14 days beginning with the day he received the notice under subsection (4), give the authority a notice stating the reasons why he is so satisfied (an “objection notice”).

[<sup>F7</sup>(5A) If it appears to the authority that the applicant meets the conditions in paragraphs (a) to (c) of subsection (2) but fails to meet the condition in paragraph (d) of that subsection by virtue of having been—

- (a) convicted of an immigration offence,
- (b) convicted of a foreign offence that the authority considers to be comparable to an immigration offence, or
- (c) required to pay an immigration penalty,

the authority must give the Secretary of State a notice to that effect.

(5B) Where, having regard to—

- (a) any conviction of the applicant for an immigration offence,
- (b) any conviction of the applicant for a foreign offence which the Secretary of State considers to be comparable to an immigration offence, and
- (c) the applicant having been required to pay any immigration penalty,

the Secretary of State is satisfied that granting the licence would be prejudicial to the prevention of illegal working in licensed premises, the Secretary of State must, within the period of 14 days beginning with the day the Secretary of State received the notice under subsection (5A), give the authority a notice stating the reasons for being so satisfied (an “immigration objection notice”).]

(6) Where no objection notice [<sup>F8</sup>or immigration objection notice is given within the period of 14 days referred to in subsection (5) or (5B) (as the case may be), or any such notice given is withdrawn,], the authority must grant the application.

(7) [<sup>F9</sup>Where an objection notice or an immigration objection notice is given within the period of 14 days referred to in subsection (5) or (5B) (as the case may be), and not withdrawn,] the authority—

- (a) must hold a hearing to consider the <sup>F10</sup>... notice, unless the applicant, the [<sup>F11</sup>person who gave the notice] and the authority agree that it is unnecessary, and

[<sup>F12</sup>(b) having regard to the notice, must—

- (i) where the notice is an objection notice, reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so, or
- (ii) where the notice is an immigration objection notice, reject the application if it considers it appropriate for the prevention of illegal working in licensed premises to do so.]

[<sup>F13</sup>(7A) An application that is not rejected by the authority under subsection (7)(b) must be granted by it.]

(8) In this section “licensing qualification” means—

- (a) a qualification—
  - (i) accredited at the time of its award, and
  - (ii) awarded by a body accredited at that time,

**Changes to legislation:** Licensing Act 2003, Section 120 is up to date with all changes known to be in force on or before 07 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) a qualification awarded before the coming into force of this section which the Secretary of State certifies is to be treated for the purposes of this section as if it were a qualification within paragraph (a), or
- (c) a qualification obtained in Scotland or Northern Ireland or in an EEA State<sup>F14</sup> ... which is equivalent to a qualification within paragraph (a) or (b).

(9) For this purpose—

“accredited” means accredited by the Secretary of State; and

“EEA State” means a state which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992, as adjusted by the Protocol signed at Brussels on 17th March 1993.

#### Textual Amendments

- F1** S. 120(2)(aa) inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 15(2)(a)** (with **Sch. 4 para. 33**); S.I. 2017/380, reg. 2(b)
- F2** Words in s. 120(2)(d) inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 15(2)(b)** (with **Sch. 4 para. 33**); S.I. 2017/380, reg. 2(b)
- F3** Words in s. 120(3) substituted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 15(3)** (with **Sch. 4 para. 33**); S.I. 2017/380, reg. 2(b)
- F4** Words in s. 120(4) substituted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 15(4)** (with **Sch. 4 para. 33**); S.I. 2017/380, reg. 2(b)
- F5** Word in s. 120(5)(a) omitted (6.4.2017) by virtue of Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 15(5)(a)** (with **Sch. 4 para. 33**); S.I. 2017/380, reg. 2(b)
- F6** S. 120(5)(c) and preceding word inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 15(5)(b)** (with **Sch. 4 para. 33**); S.I. 2017/380, reg. 2(b)
- F7** S. 120(5A)(5B) inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 15(6)** (with **Sch. 4 para. 33**); S.I. 2017/380, reg. 2(b)
- F8** Words in s. 120(6) substituted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 15(7)** (with **Sch. 4 para. 33**); S.I. 2017/380, reg. 2(b)
- F9** Words in s. 120(7) substituted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 15(8)(a)** (with **Sch. 4 para. 33**); S.I. 2017/380, reg. 2(b)
- F10** Word in s. 120(7)(a) omitted (6.4.2017) by virtue of Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 15(8)(b)(i)** (with **Sch. 4 para. 33**); S.I. 2017/380, reg. 2(b)
- F11** Words in s. 120(7)(a) substituted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 15(8)(b)(ii)** (with **Sch. 4 para. 33**); S.I. 2017/380, reg. 2(b)
- F12** S. 120(7)(b) substituted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 15(8)(c)** (with **Sch. 4 para. 33**); S.I. 2017/380, reg. 2(b)
- F13** S. 120(7A) inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 15(9)** (with **Sch. 4 para. 33**); S.I. 2017/380, reg. 2(b)
- F14** Words in s. 120(8)(c) omitted (31.12.2020) by virtue of The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/742), regs. 1, **125**; 2020 c. 1, Sch. 5 para. 1(1)

#### Commencement Information

- I1** S. 120(2)(b) in force at 16.12.2003 by S.I. 2003/3222, **art. 2**, Sch.; s. 120 in force otherwise at 7.2.2005 by S.I. 2004/2360, **art. 2**, Sch.

**Changes to legislation:**

Licensing Act 2003, Section 120 is up to date with all changes known to be in force on or before 07 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5A inserted by [2015 c. 20 s. 67\(2\)Sch. 17](#)
- s. 2(1A) inserted by [2015 c. 20 s. 67\(1\)](#)
- s. 10(4)(e) and word inserted by [2011 c. 13 s. 121\(3\)\(b\)](#)
- s. 140(2)(e) inserted by [2015 c. 20 s. 67\(4\)\(b\)](#)
- s. 141(2)(e) inserted by [2015 c. 20 s. 67\(5\)\(b\)](#)
- s. 143(2)(e) inserted by [2015 c. 20 s. 67\(6\)\(b\)](#)
- s. 144(2)(e) inserted by [2015 c. 20 s. 67\(7\)\(b\)](#)
- s. 147A(4)(c) inserted by [2015 c. 20 s. 67\(8\)\(b\)](#)
- s. 153(4)(d) inserted by [2015 c. 20 s. 67\(9\)\(b\)](#)
- s. 197(3)(cza) inserted by [2015 c. 20 s. 67\(12\)\(a\)](#)
- s. 197A197B inserted by [2011 c. 13 s. 121\(2\)](#)