



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 6

#### PERSONAL LICENCES

##### *Introductory*

#### **111 Personal licence**

- (1) In this Act “personal licence” means a licence which—
- (a) is granted by a licensing authority to an individual, and
  - (b) authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with a premises licence.
- (2) In subsection (1)(b) the reference to an individual supplying alcohol is to him—
- (a) selling alcohol by retail, or
  - (b) supplying alcohol by or on behalf of a club to, or to the order of, a member of the club.

#### **112 The relevant licensing authority**

For the purposes of this Part the “relevant licensing authority”, in relation to a personal licence, is the licensing authority which granted the licence.

#### **113 Meaning of “relevant offence”<sup>[F1]</sup>, “immigration offence”, “foreign offence” and “immigration penalty”]**

- (1) In this Part “relevant offence” means an offence listed in Schedule 4.
- (2) The Secretary of State may by order amend that list so as to add, modify or omit any entry.

[<sup>F2</sup>(2A) In this Part “immigration offence” means—

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- (a) an offence referred to in paragraph 7A of Schedule 4, or
  - (b) an offence listed in paragraph 24 or 25 of Schedule 4 that is committed in relation to an offence referred to in paragraph 7A of that Schedule.]
- (3) In this Part “foreign offence” means an offence (other than a relevant offence) under the law of any place outside England and Wales.
- [<sup>F3</sup>(4) In this Part “immigration penalty” means a penalty under—
- (a) section 15 of the Immigration, Asylum and Nationality Act 2006 (“the 2006 Act”), or
  - (b) section 23 of the Immigration Act 2014 (“the 2014 Act”).
- (5) For the purposes of this Part a person to whom a penalty notice under section 15 of the 2006 Act has been given is not to be treated as having been required to pay an immigration penalty if—
- (a) the person is excused payment by virtue of section 15(3) of that Act, or
  - (b) the penalty is cancelled by virtue of section 16 or 17 of that Act.
- (6) For the purposes of this Part a person to whom a penalty notice under section 15 of the 2006 Act has been given is not to be treated as having been required to pay an immigration penalty until such time as—
- (a) the period for giving a notice of objection under section 16 of that Act has expired and the Secretary of State has considered any notice given within that period, and
  - (b) if a notice of objection was given within that period, the period for appealing under section 17 of that Act has expired and any appeal brought within that period has been finally determined, abandoned or withdrawn.
- (7) For the purposes of this Part a person to whom a penalty notice under section 23 of the 2014 Act has been given is not to be treated as having been required to pay an immigration penalty if—
- (a) the person is excused payment by virtue of section 24 of that Act, or
  - (b) the penalty is cancelled by virtue of section 29 or 30 of that Act.
- (8) For the purposes of this Part a person to whom a penalty notice under section 23 of the 2014 Act has been given is not to be treated as having been required to pay an immigration penalty until such time as—
- (a) the period for giving a notice of objection under section 29 of that Act has expired and the Secretary of State has considered any notice given within that period, and
  - (b) if a notice of objection was given within that period, the period for appealing under section 30 of that Act has expired and any appeal brought within that period has been finally determined, abandoned or withdrawn.]

#### Textual Amendments

- F1** Words in s. 113 heading substituted (6.4.2017) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 4 para. 13\(2\)](#); S.I. 2017/380, reg. 2(b)
- F2** S. 113(2A) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 4 para. 13\(3\)](#); S.I. 2017/380, reg. 2(b)
- F3** S. 113(4)-(8) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 4 para. 13\(4\)](#); S.I. 2017/380, reg. 2(b)

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### Commencement Information

- II** S. 113(2) in force at 16.12.2003 by S.I. 2003/3222, **art. 2, Sch.**; s. 113 otherwise in force at 7.2.2005 by S.I. 2004/2360, **art. 2, Sch.**

## 114 Spent convictions

For the purposes of this Part a conviction for a relevant offence or a foreign offence must be disregarded if it is spent for the purposes of the Rehabilitation of Offenders Act 1974 (c. 53).

## 115 Period of validity of personal licence

- (1) A personal licence [<sup>F4</sup>has effect indefinitely.]
- (2) Subsection (1) is subject to subsections [<sup>F5</sup>(2A),] (3) and (4) and to—
  - (a) section 116 (surrender),
  - <sup>F6</sup>(b) .....
  - <sup>F7</sup>(c) .....

[<sup>F8</sup>(2A) A personal licence ceases to have effect if the holder of the licence ceases to be entitled to work in the United Kingdom.]

- (3) A personal licence ceases to have effect when it is revoked under section 124 or forfeited under section 129.
- (4) And a personal licence does not have effect during any period when it is suspended under section 129.
- (5) Subsections (3) and (4) are subject to any court order under sections 129(4) or 130.

### Textual Amendments

- F4** Words in s. 115(1) substituted (1.4.2015) by Deregulation Act 2015 (c. 20), **ss. 69(1), 115(7)** (with s. 69(2)(3)); S.I. 2015/994, art. 2(c)
- F5** Word in s. 115(2) inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 14(2)** (with Sch. 4 para. 35); S.I. 2017/380, reg. 2(b)
- F6** S. 115(2)(b) omitted (1.4.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 18 para. 3** (with s. 69(2)(3)); S.I. 2015/994, art. 2(c)
- F7** S. 115(2)(c) omitted (1.4.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 18 para. 3** (with s. 69(2)(3)); S.I. 2015/994, art. 2(c)
- F8** S. 115(2A) inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 14(3)** (with Sch. 4 para. 35); S.I. 2017/380, reg. 2(b)

## 116 Surrender of personal licence

- (1) Where the holder of a personal licence wishes to surrender his licence he may give the relevant licensing authority a notice to that effect.
- (2) The notice must be accompanied by the personal licence or, if that is not practicable, by a statement of the reasons for the failure to provide the licence.

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- (3) Where a notice of surrender is given in accordance with this section, the personal licence lapses on receipt of the notice by the authority.

### *F<sup>9</sup> Grant ... of licences*

#### Textual Amendments

- F9** Words in s. 117 cross-heading omitted (1.4.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 18 para. 4\(1\)](#) (with s. 69(2)(3)); S.I. 2015/994, art. 2(c)

## 117 Application for grant <sup>F10</sup> ... of personal licence

<sup>F11</sup>(1) .....

- (2) An application [<sup>F12</sup>by an individual] for the grant of a personal licence—
- (a) must, if the applicant is ordinarily resident in the area of a licensing authority, be made to that authority, and
  - (b) may, in any other case, be made to any licensing authority.

<sup>F13</sup>(3) .....

<sup>F14</sup>(4) .....

- (5) Subsection (1) is subject to regulations under section 133 (form etc. of applications and notices under this Part).

<sup>F15</sup>(6) .....

#### Textual Amendments

- F10** Words in s. 117 heading heading omitted (1.4.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 18 para. 4\(2\)](#) (with s. 69(2)(3)); S.I. 2015/994, art. 2(c)
- F11** S. 117(1) omitted (1.4.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 18 para. 4\(3\)](#) (with s. 69(2)(3)); S.I. 2015/994, art. 2(c)
- F12** Words in s. 117(2) inserted (1.4.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 18 para. 4\(4\)](#) (with s. 69(2)(3)); S.I. 2015/994, art. 2(c)
- F13** S. 117(3) omitted (1.4.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 18 para. 4\(5\)](#) (with s. 69(2)(3)); S.I. 2015/994, art. 2(c)
- F14** S. 117(4) omitted (1.4.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 18 para. 4\(5\)](#) (with s. 69(2)(3)); S.I. 2015/994, art. 2(c)
- F15** S. 117(6) omitted (1.4.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 18 para. 4\(5\)](#) (with s. 69(2)(3)); S.I. 2015/994, art. 2(c)

## 118 Individual permitted to hold only one personal licence

- (1) An individual who makes an application for the grant of a personal licence under section 117 (“the initial application”) may not make another such application until the initial application has been determined by the licensing authority to which it was made or has been withdrawn.

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- (2) A personal licence is void if, at the time it is granted, the individual to whom it is granted already holds a personal licence.

#### <sup>F16</sup>119 Licence continued pending renewal

##### Textual Amendments

**F16** S. 119 omitted (1.4.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 18 para. 5](#) (with s. 69(2)(3)); S.I. 2015/994, art. 2(c)

#### 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>F17</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>F18</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>F19</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>F20</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>F21</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>F22</sup>and
  - (c) the applicant having been required to pay any immigration penalty,
- 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>F23</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,

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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>F24</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>F25</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>F26</sup>... notice, unless the applicant, the [<sup>F27</sup>person who gave the notice] and the authority agree that it is unnecessary, and

[<sup>F28</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>F29</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,
- (b) a qualification awarded before the coming into force of this section which the Secretary of State certifies is to be treated for the purposes of this section as if it were a qualification within paragraph (a), or
- (c) a qualification obtained in Scotland or Northern Ireland or in an EEA State (other than the United Kingdom) which is equivalent to a qualification within paragraph (a) or (b).

(9) For this purpose—

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

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

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### Textual Amendments

- F17** 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)
- F18** 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)
- F19** 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)
- F20** 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)
- F21** 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)
- F22** 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)
- F23** 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)
- F24** 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)
- F25** 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)
- F26** 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)
- F27** 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)
- F28** 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)
- F29** 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)

### Commencement Information

- I2** 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.**

## <sup>F30</sup>121 Determination of application for renewal

.....

### Textual Amendments

- F30** S. 121 omitted (1.4.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 18 para. 6** (with s. 69(2)(3)); S.I. 2015/994, **art. 2(c)**

## 122 Notification of determinations

- (1) Where a licensing authority grants an application—
- (a) it must give the applicant and the chief officer of police for its area a notice to that effect, and
  - (b) if the chief officer of police gave an objection notice [<sup>F31</sup> or the Secretary of State gave an immigration objection notice] (which [<sup>F32</sup>, in either case,] was

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not withdrawn), the notice under paragraph (a) must contain a statement of the licensing authority's reasons for granting the application.

- (2) A licensing authority which rejects an application must give the applicant and the chief officer of police for its area a notice to that effect containing a statement of the authority's reasons for rejecting the application.
- [<sup>F33</sup>(2A) Where the Secretary of State gave an immigration objection notice (which was not withdrawn) the notice under subsection (1)(a) or (2), as the case may be, must also be given to the Secretary of State.]
- (3) In this section—  
 “application” means an application for the grant <sup>F34</sup>... of a personal licence;  
 and  
 “objection notice” [<sup>F35</sup>and “immigration objection notice” have] the meaning given in section 120 <sup>F36</sup>....

#### Textual Amendments

- F31** Words in s. 122(1) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 4 para. 16\(2\)\(a\)](#); S.I. 2017/380, reg. 2(b)
- F32** Words in s. 122(1) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 4 para. 16\(2\)\(b\)](#); S.I. 2017/380, reg. 2(b)
- F33** S. 122(2A) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 4 para. 16\(3\)](#); S.I. 2017/380, reg. 2(b)
- F34** Words in s. 122(3) omitted (1.4.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 18 para. 7\(2\)](#) (with s. 69(2)(3)); S.I. 2015/994, art. 2(c)
- F35** Words in s. 122(3) substituted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 4 para. 16\(4\)](#); S.I. 2017/380, reg. 2(b)
- F36** Words in s. 122(3) omitted (1.4.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 18 para. 7\(3\)](#) (with s. 69(2)(3)); S.I. 2015/994, art. 2(c)

### 123 Duty to notify licensing authority of convictions [<sup>F37</sup>etc] during application period

- (1) Where an applicant for the grant <sup>F38</sup>... of a personal licence is convicted of a relevant offence or a foreign offence during the application period [<sup>F39</sup>, or is required to pay an immigration penalty during that period], he must as soon as reasonably practicable notify the conviction [<sup>F40</sup>or the requirement to pay (as the case may be)] to the authority to which the application is made.
- (2) A person commits an offence if he fails, without reasonable excuse, to comply with subsection (1).
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (4) In this section “the application period” means the period that—  
 (a) begins when the application for grant <sup>F41</sup>... is made, and  
 (b) ends when the application is determined or withdrawn.



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### Textual Amendments

- F37** Word in s. 123 heading inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 4 para. 17\(2\)](#); [S.I. 2017/380](#), reg. 2(b)
- F38** Words in s. 123(1) omitted (1.4.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 18 para. 8](#) (with s. 69(2)(3)); [S.I. 2015/994](#), art. 2(c)
- F39** Words in s. 123(1) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 4 para. 17\(3\)\(a\)](#); [S.I. 2017/380](#), reg. 2(b)
- F40** Words in s. 123(1) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 4 para. 17\(3\)\(b\)](#); [S.I. 2017/380](#), reg. 2(b)
- F41** Words in s. 123(4)(a) omitted (1.4.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 18 para. 8](#) (with s. 69(2)(3)); [S.I. 2015/994](#), art. 2(c)

## 124 Convictions coming to light after grant <sup>F42</sup>...

- (1) This section applies where, after a licensing authority has granted <sup>F43</sup>... a personal licence, it becomes aware (whether by virtue of section 123(1), 131 or 132 or otherwise) that the holder of a personal licence [<sup>F44</sup>“the licence holder”] was convicted during the application period of any relevant offence or foreign offence [<sup>F45</sup>or was required during that period to pay an immigration penalty].
- (2) The licensing authority must give a notice to that effect to the chief officer of police for its area.
- (3) Where, having regard to—
- (a) any conviction of the [<sup>F46</sup>licence holder] for a relevant offence [<sup>F47</sup>which occurred before the end of the application period,]
  - (b) any conviction of his for a foreign offence which the chief officer of police considers to be comparable to a relevant offence [<sup>F48</sup>and which occurred before the end of the application period], [<sup>F49</sup>and
  - (c) the licence holder having been required before the end of the application period to pay any immigration penalty,]
- <sup>F50</sup>... the chief officer of police is satisfied that continuation of the licence would undermine the crime prevention objective, he must, within the period of 14 days beginning with the day he received the notice under subsection (2), give the authority a notice stating the reasons why he is so satisfied (an “objection notice”).

[<sup>F51</sup>(3A) Where the licence holder was (during the application period)—

- (a) convicted of an immigration offence,
- (b) convicted of a foreign offence that the licensing 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.

(3B) Where, having regard to—

- (a) any conviction of the licence holder for an immigration offence which occurred before the end of the application period,
- (b) any conviction of the licence holder for a foreign offence which the Secretary of State considers to be comparable to an immigration offence and which occurred before the end of the application period, and

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- (c) the licence holder having been required before the end of the application period to pay any immigration penalty,
- the Secretary of State is satisfied that continuation of 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 (3A), give the authority a notice stating the reasons for being so satisfied (an “immigration objection notice”).]
- (4) Where an objection notice [<sup>F52</sup>or an immigration objection notice is given within the period of 14 days referred to in subsection (3) or (3B), as the case may be,] (and not withdrawn), the authority—
- (a) must hold a hearing to consider the <sup>F53</sup>... notice, unless the [<sup>F54</sup>licence holder, the person who gave the notice] and the authority agree it is unnecessary, and
- (b) having regard to the notice, must [<sup>F55</sup>—
- (i) where the notice is an objection notice, revoke the licence 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, revoke the licence if it considers it appropriate for the prevention of illegal working in licensed premises to do so.]
- (5) Where the authority revokes or decides not to revoke a licence under subsection (4) it must notify the offender and the chief officer of police of the decision and its reasons for making it.
- [<sup>F56</sup>(5A) Where the authority revokes or decides not to revoke a licence under subsection (4) (b)(ii) it must also notify the Secretary of State of the decision and its reasons for making it.]
- (6) A decision under this section does not have effect—
- (a) until the end of the period given for appealing against the decision, or
- (b) if the decision is appealed against, until the appeal is disposed of.
- (7) In this section “application period”, in relation to the grant <sup>F57</sup>... of a personal licence, means the period that—
- (a) begins when the application for the grant <sup>F57</sup>... is made, and
- (b) ends at the time of the grant <sup>F57</sup>....

#### Textual Amendments

- F42** Words in s. 124 heading omitted (1.4.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 18 para. 9\(2\)](#) (with s. 69(2)(3)); S.I. 2015/994, art. 2(c)
- F43** Words in s. 124(1) omitted (1.4.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 18 para. 9\(3\)](#) (with s. 69(2)(3)); S.I. 2015/994, art. 2(c)
- F44** Words in s. 124(1) substituted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 4 para. 18\(2\)\(a\)](#); S.I. 2017/380, reg. 2(b)
- F45** Words in s. 124(1) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 4 para. 18\(2\)\(b\)](#); S.I. 2017/380, reg. 2(b)
- F46** Words in s. 124(3)(a) substituted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 4 para. 18\(3\)\(a\)\(i\)](#); S.I. 2017/380, reg. 2(b)
- F47** Words in s. 124(3)(a) substituted (6.4.2017) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 4 para. 18\(3\)\(a\)\(ii\)](#); S.I. 2017/380, reg. 2(b)

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- F48** Words in s. 124(3)(b) inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 18(3)(b)**; S.I. 2017/380, reg. 2(b)
- F49** S. 124(3)(c) and preceding word inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 18(3)(c)**; S.I. 2017/380, reg. 2(b)
- F50** Words in s. 124(3) omitted (6.4.2017) by virtue of Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 18(3)(d)**; S.I. 2017/380, reg. 2(b)
- F51** S. 124(3A)(3B) inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 18(4)**; S.I. 2017/380, reg. 2(b)
- F52** Words in s. 124(4) substituted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 18(5)(a)**; S.I. 2017/380, reg. 2(b)
- F53** Word in s. 124(4)(a) omitted (6.4.2017) by virtue of Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 18(5)(b)(i)**; S.I. 2017/380, reg. 2(b)
- F54** Words in s. 124(4)(a) substituted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 18(5)(b)(ii)**; S.I. 2017/380, reg. 2(b)
- F55** Words in s. 124(4)(b) substituted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 18(5)(c)**; S.I. 2017/380, reg. 2(b)
- F56** S. 124(5A) inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 18(6)**; S.I. 2017/380, reg. 2(b)
- F57** Words in s. 124(7) omitted (1.4.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 18 para. 9(4)** (with s. 69(2)(3)); S.I. 2015/994, art. 2(c)

## 125 Form of personal licence

- (1) Where a licensing authority grants a personal licence, it must forthwith issue the applicant with the licence.
- (2) The licence must—
  - (a) specify the holder’s name and address, and
  - (b) identify the licensing authority which granted it.
- (3) It must also contain a record [<sup>F58</sup>of—
  - (a) each] relevant offence and each foreign offence of which the holder has been convicted, the date of each conviction and the sentence imposed in respect of it,  
[<sup>F59</sup>(b) each immigration penalty that the holder has been required to pay and the date of each notice by which such a penalty was imposed.]
- (4) Subject to subsections (2) and (3), the licence must be in the prescribed form.

### Textual Amendments

- F58** Words in s. 125(3) substituted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 19(2)**; S.I. 2017/380, reg. 2(b)
- F59** S. 125(3)(b) inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 19(3)**; S.I. 2017/380, reg. 2(b)

### Commencement Information

- I3** S. 125(4) in force at 16.12.2003 by S.I. 2003/3222, **art. 2, Sch.**; s. 125(1)–(3) in force at 7.2.2005 by S.I. 2004/2360, **art. 2, Sch.**

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## 126 Theft, loss, etc. of personal licence

- (1) Where a personal licence is lost, stolen, damaged or destroyed, the holder of the licence may apply to the relevant licensing authority for a copy of the licence.
- (2) Subsection (1) is subject to regulations under section 133(2) (power to prescribe fee to accompany application).
- (3) Where the relevant licensing authority receives an application under this section, it must issue the licence holder with a copy of the licence (certified by the authority to be a true copy) if it is satisfied that—
  - (a) the licence has been lost, stolen, damaged or destroyed, <sup>F60</sup>...
  - <sup>F60</sup>(b) .....
- (4) The copy issued under this section must be a copy of the licence in the form in which it existed immediately before it was lost, stolen, damaged or destroyed.
- (5) This Act applies in relation to a copy issued under this section as it applies in relation to an original licence.

### Textual Amendments

- F60** S. 126(3)(b) and preceding word omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), ss. [72\(d\)](#), [115\(7\)](#); S.I. 2015/994, art. 6(j)

### *Duty to notify certain changes*

## 127 Duty to notify change of name or address

- (1) The holder of a personal licence must, as soon as reasonably practicable, notify the relevant licensing authority of any change in his name or address as stated in the personal licence.
- (2) Subsection (1) is subject to regulations under section 133(2) (power to prescribe fee to accompany notice).
- (3) A notice under subsection (1) must also be accompanied by the personal licence or, if that is not practicable, by a statement of the reasons for the failure to provide the licence.
- (4) A person commits an offence if he fails, without reasonable excuse, to comply with this section.
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

### *Conviction of licence holder for relevant offence*

## 128 Duty to notify court of personal licence

- (1) Where the holder of a personal licence is charged with a relevant offence, he must, no later than the time he makes his first appearance in a magistrates' court in connection with that offence—

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- (a) produce to the court the personal licence, or
  - (b) if that is not practicable, notify the court of the existence of the personal licence and the identity of the relevant licensing authority and of the reasons why he cannot produce the licence.
- (2) Subsection (3) applies where a person charged with a relevant offence is granted a personal licence—
- (a) after his first appearance in a magistrates' court in connection with that offence, but
  - (b) before—
    - (i) his conviction, and sentencing for the offence, or his acquittal, or,
    - (ii) where an appeal is brought against his conviction, sentence or acquittal, the disposal of that appeal.
- (3) At his next appearance in court in connection with that offence, that person must—
- (a) produce to the court the personal licence, or
  - (b) if that is not practicable, notify the court of the existence of the personal licence and the identity of the relevant licensing authority and of the reasons why he cannot produce the licence.
- (4) Where—
- (a) a person charged with a relevant offence has produced his licence to, or notified, a court under subsection (1) or (3), and
  - (b) before he is convicted of and sentenced for, or acquitted of, that offence, a notifiable event occurs in respect of the licence,
- he must, at his next appearance in court in connection with that offence, notify the court of that event.
- (5) For this purpose a “notifiable event” in relation to a personal licence means any of the following—
- <sup>F61</sup>(a) .....
  - (b) the surrender of the licence under section 116;
  - <sup>F62</sup>(c) .....
  - (d) the revocation of the licence under section 124.
- (6) A person commits an offence if he fails, without reasonable excuse, to comply with this section.
- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

**Textual Amendments**

**F61** S. 128(5)(a) omitted (1.4.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 18 para. 10](#) (with s. 69(2)(3)); [S.I. 2015/994](#), art. 2(c)

**F62** S. 128(5)(c) omitted (1.4.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 18 para. 10](#) (with s. 69(2)(3)); [S.I. 2015/994](#), art. 2(c)

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## **129 Forfeiture or suspension of licence on conviction for relevant offence**

- (1) This section applies where the holder of a personal licence is convicted of a relevant offence by or before a court in England and Wales.
- (2) The court may—
  - (a) order the forfeiture of the licence, or
  - (b) order its suspension for a period not exceeding six months.
- (3) In determining whether to make an order under subsection (2), the court may take account of any previous conviction of the holder for a relevant offence.
- (4) Where a court makes an order under this section it may suspend the order pending an appeal against it.
- (5) Subject to subsection (4) and section 130, an order under this section takes effect immediately after it is made.

## **130 Powers of appellate court to suspend order under section 129**

- (1) This section applies where—
  - (a) a person (“the offender”) is convicted of a relevant offence, and
  - (b) an order is made under section 129 in respect of that conviction (“the section 129 order”).
- (2) In this section any reference to the offender’s sentence includes a reference to the section 129 order and to any other order made on his conviction and, accordingly, any reference to an appeal against his sentence includes a reference to an appeal against any order forming part of his sentence.
- (3) Where the offender—
  - (a) appeals to the Crown Court, or
  - (b) appeals or applies for leave to appeal to the Court of Appeal,
 against his conviction or his sentence, the Crown Court or, as the case may be, the Court of Appeal may suspend the section 129 order.
- (4) Where the offender appeals or applies for leave to appeal to the <sup>F63</sup>Supreme Court—
  - (a) under section 1 of the Administration of Justice Act 1960 (c. 65) from any decision of the High Court which is material to his conviction or sentence, or
  - (b) under section 33 of the Criminal Appeal Act 1968 (c. 19) from any decision of the Court of Appeal which is material to his conviction or sentence,
 the High Court or, as the case may require, the Court of Appeal may suspend the section 129 order.
- (5) Where the offender makes an application in respect of the decision of the court in question under section 111 of the Magistrates' Courts Act 1980 (c. 43) (statement of case by magistrates' court) or section 28 of the <sup>F64</sup>Senior Courts Act 1981(c. 54) (statement of case by Crown Court) the High Court may suspend the section 129 order.
- (6) Where the offender—
  - (a) applies to the High Court for a quashing order to remove into the High Court any proceedings of a magistrates' court or of the Crown Court, being proceedings in or in consequence of which he was convicted or his sentence was passed, or

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- (b) applies to the High Court for permission to make such an application, the High Court may suspend the section 129 order.
- (7) Any power of a court under this section to suspend the section 129 order is a power to do so on such terms as the court thinks fit.
- (8) Where, by virtue of this section, a court suspends the section 129 order it must send notice of the suspension to the relevant licensing authority.
- (9) Where the section 129 order is an order for forfeiture of the licence, an order under this section to suspend that order has effect to reinstate the licence for the period of the suspension.

#### Textual Amendments

- F63** Words in s. 130(4) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 78; S.I. 2009/1604, art. 2\(d\)](#)
- F64** Words in s. 130(5) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 59, 148, Sch. 11 para. 1\(2\); S.I. 2009/1604, art. 2\(d\)](#)

### 131 Court's duty to notify licensing authority of convictions

- (1) This section applies where a person who holds a personal licence (“the relevant person”) is convicted, by or before a court in England and Wales, of a relevant offence in a case where—
- (a) the relevant person has given notice under section 128 (notification of personal licence), or
- (b) the court is, for any other reason, aware of the existence of that personal licence.
- (2) The appropriate officer of the court must (as soon as reasonably practicable)—
- (a) send to the relevant licensing authority a notice specifying—
- (i) the name and address of the relevant person,
- (ii) the nature and date of the conviction, and
- (iii) any sentence passed in respect of it, including any order made under section 129, and send a copy of the notice to the relevant person.
- (3) Where, on an appeal against the relevant person’s conviction for the relevant offence or against the sentence imposed on him for that offence, his conviction is quashed or a new sentence is substituted for that sentence, the court which determines the appeal must (as soon as reasonably practicable) arrange—
- (a) for notice of the quashing of the conviction or the substituting of the sentence to be sent to the relevant licensing authority, and
- (b) for a copy of the notice to be sent to the relevant person.
- (4) Where the case is referred to the Court of Appeal under section 36 of the Criminal Justice Act 1988 (c. 33) (review of lenient sentence), the court must cause—
- (a) notice of any action it takes under subsection (1) of that section to be sent to the relevant licensing authority, and
- (b) a copy of the notice to be sent to the relevant person.
- (5) For the purposes of subsection (2) “the appropriate officer” is—



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- (a) in the case of a magistrates' court, the clerk of the court, and
  - (b) in the case of the Crown Court, the appropriate officer;
- and section 141 of the Magistrates' Courts Act 1980 (c. 43) (meaning of “clerk of a magistrates' court”) applies in relation to this subsection as it applies in relation to that section.

### **132 Licence holder’s duty to notify licensing authority of convictions [<sup>F65</sup> etc]**

- (1) Subsection (2) applies where the holder of a personal licence—
  - (a) is convicted of a relevant offence, in a case where section 131(1) does not apply, or
  - (b) is convicted of a foreign offence.
- (2) The holder must—
  - (a) as soon as reasonably practicable after the conviction, give the relevant licensing authority a notice containing details of the nature and date of the conviction, and any sentence imposed on him in respect of it, and
  - (b) as soon as reasonably practicable after the determination of any appeal against the conviction or sentence, or of any reference under section 36 of the Criminal Justice Act 1988 (c. 33) in respect of the case, give the relevant licensing authority a notice containing details of the determination.

[<sup>F66</sup>(2A) Subsection (2B) applies where the holder of a personal licence is required to pay an immigration penalty.

- (2B) The holder must, as soon as reasonably practicable after being required to pay the penalty, give the relevant licensing authority a notice containing details of the penalty, including the date of the notice by which the penalty was imposed.]
- (3) A notice under subsection (2) [<sup>F67</sup> or (2B)] must be accompanied by the personal licence or, if that is not practicable, a statement of the reasons for the failure to provide the licence.
- (4) A person commits an offence if he fails, without reasonable excuse, to comply with this section.
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

#### **Textual Amendments**

- F65** Word in s. 132 heading inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 4 para. 20\(2\)](#); S.I. 2017/380, reg. 2(b)
- F66** S. 132(2A)(2B) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 4 para. 20\(3\)](#); S.I. 2017/380, reg. 2(b)
- F67** Words in s. 132(3) inserted (6.4.2017) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 4 para. 20\(4\)](#); S.I. 2017/380, reg. 2(b)

### **[<sup>F68</sup> 132A Convictions etc of licence-holder: powers of licensing authority**

- (1) This section applies where a licensing authority has granted a personal licence and it becomes aware (whether by virtue of section 123(1), 131 or 132 or otherwise) that



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- the holder of the licence ( “ the licence holder ”) has been, at any time before or after the grant of the licence—
- (a) convicted of any relevant offence or foreign offence, or
  - (b) required to pay an immigration penalty.
- (2) But this section does not apply at any time when in the case of a licence holder who has been convicted of any relevant offence or foreign offence—
- (a) the licence holder has appealed against a conviction for, or any sentence imposed in relation to, a relevant offence or foreign offence and that appeal has not been disposed of, or
  - (b) the time limit for appealing against such a conviction or sentence has not expired.
- (3) The relevant licensing authority may—
- (a) suspend the licence for a period not exceeding six months, or
  - (b) revoke the licence.
- (4) If the relevant licensing authority is considering whether to suspend or revoke the licence, the authority must give notice to the licence holder.
- (5) A notice under subsection (4) must invite the licence holder to make representations regarding—
- (a) the relevant offence, foreign offence or immigration penalty that has caused the relevant licensing authority to issue the notice,
  - (b) any decision of a court under section 129 or 130 in relation to the licence, and
  - (c) any other relevant information (including information regarding the licence holder's personal circumstances).
- (6) The licence holder may make representations under subsection (5) to the relevant licensing authority within the period of 28 days beginning with the day the notice was issued.
- (7) Before deciding whether to suspend or revoke the licence the relevant licensing authority must take into account—
- (a) any representations made by the licence holder under this section,
  - (b) any decision of a court under section 129 or 130 of which the licensing authority is aware, and
  - (c) any other information which the authority considers relevant.
- (8) Having taken into account the matters described in subsection (7) the relevant licensing authority may make a decision whether to suspend or revoke a licence, unless subsection (9) applies.
- (9) This subsection applies where the relevant licensing authority has taken into account the matters described in subsection (7) and proposes not to revoke the licence.
- (10) Where subsection (9) applies the authority must—
- (a) give notice to the chief officer of police for its area that it proposes not to revoke the licence, and
  - (b) invite the officer to make representations regarding the issue of whether the licence should be suspended or revoked having regard to the crime prevention objective.

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- (11) The chief officer of police may make representations under subsection (10)(b) to the relevant licensing authority within the period of 14 days beginning with the day the notice was received.
- (12) Where the relevant licensing authority has given notice to the chief officer of police under subsection (10)(a), the authority must take into account—
- (a) any representations from the officer, and
  - (b) the matters described in subsection (7),
- and then make a decision whether to suspend or revoke the licence.
- (13) The relevant licensing authority must give notice of any decision made under subsection (8) or (12) to the licence holder and the chief officer of police, including reasons for the decision.
- (14) A decision under this section does not have effect—
- (a) until the end of the period given for appealing against the decision, or
  - (b) if the decision is appealed against, until the appeal is disposed of.
- (15) A decision under subsection (8) or (12) may be appealed (see paragraph 17(5A) of Part 3 of Schedule 5 (appeals: personal licences)).]

#### Textual Amendments

- F68** S. 132A inserted (31.1.2017 for specified purposes, 6.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 138\(3\)](#), [183\(1\)\(5\)\(e\)](#); [S.I. 2017/399](#), [reg. 3\(d\)](#)

#### General provision

### 133 Form etc. of applications and notices under Part 6

- (1) In relation to any application under section 117 or notice under this Part, regulations may prescribe—
- (a) its form,
  - (b) the manner in which it is to be made or given, and
  - (c) the information and documents that must accompany it.
- (2) Regulations may also—
- (a) require applications under section 117 or 126 or notices under section 127 to be accompanied by a fee, and
  - (b) prescribe the amount of the fee.

### 134 Licensing authority's duty to update licence document

- (1) Where—
- (a) the relevant licensing authority makes a determination under section <sup>F69</sup>... 124(4),
  - (b) it receives a notice under section 123(1), 127, 131 or 132, or
  - (c) an appeal against a decision under this Part is disposed of,
- in relation to a personal licence, the authority must make the appropriate amendments (if any) to the licence.

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- (2) Where, under section 131, notice is given of the making of an order under section 129, the relevant licensing authority must make an endorsement on the licence stating the terms of the order.
- (3) Where, under section 131, notice is given of the quashing of such an order, any endorsement previously made under subsection (2) in respect of it must be cancelled.
- (4) Where a licensing authority is not in possession of a personal licence, it may, for the purposes of discharging its obligations under this section, require the holder of the licence to produce it to the authority within 14 days beginning with the day on which he is notified of the requirement.
- (5) A person commits an offence if he fails, without reasonable excuse, to comply with a requirement under subsection (4).
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

#### Textual Amendments

**F69** Words in s. 134(1)(a) omitted (1.4.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 18 para. 11](#) (with s. 69(2)(3)); S.I. 2015/994, art. 2(c)

### *Production of licence*

#### **135 Licence holder's duty to produce licence**

- (1) This section applies where the holder of a personal licence is on premises to make or authorise the supply of alcohol, and such supplies—
  - (a) are authorised by a premises licence in respect of those premises, or
  - (b) are a permitted temporary activity on the premises by virtue of a temporary event notice given under Part 5 in respect of which he is the premises user.
- (2) Any constable or authorised officer may require the holder of the personal licence to produce that licence for examination.
- (3) An authorised officer exercising the power conferred by subsection (2) must, if so requested, produce evidence of his authority to exercise the power.
- (4) A person who fails, without reasonable excuse, to comply with a requirement under subsection (2) is guilty of an offence.
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (6) In this section “authorised officer” means an officer of a licensing authority authorised by the authority for the purposes of this Act.

**Status:**

Point in time view as at 06/04/2017.

**Changes to legislation:**

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