



Licensing Act 2003

2003 CHAPTER 17

PART 3

PREMISES LICENCES

Grant of premises licence

16 Applicant for premises licence

- (1) ^{F1}Subject to subsections (2) and (2A),] the following persons may apply for a premises licence—
- (a) a person who carries on, or proposes to carry on, a business which involves the use of the premises for the licensable activities to which the application relates,
 - (b) a person who makes the application pursuant to—
 - (i) any statutory function discharged by that person which relates to those licensable activities, or
 - (ii) any function discharged by that person by virtue of Her Majesty's prerogative,
 - (c) a recognised club,
 - (d) a charity,
 - (e) the proprietor of an educational institution,
 - (f) a health service body,
 - (g) a person who is registered under Part 2 of the Care Standards Act 2000 (c. 14) in respect of an independent hospital ^{F2}in Wales],
 - ^{F3}(ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England,]
 - (h) the chief officer of police of a police force in England and Wales,
 - (i) a person of such other description as may be prescribed.
- (2) ^{F4}... an individual may not apply for a premises licence unless he is aged 18 or over.

Changes to legislation: Licensing Act 2003, Section 16 is up to date with all changes known to be in force on or before 19 April 2024. 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

[^{F5}(2A) An individual who is resident in the United Kingdom may not apply for a premises licence authorising premises to be used for a licensable activity within section 1(1)(a) or (d) unless the individual is entitled to work in the United Kingdom.]

(3) In this section—

^{F6}

“educational institution” means—

- (a) a school, or an institution within the further ^{F7}... education sector, within the meaning of section 4 of the Education Act 1996 (c. 56), ^{F8}...
- (aa) [^{F9}an institution within the higher education sector, within the meaning given by section 91(5) of the Further and Higher Education Act 1992, or]
- (b) a college (including any institution in the nature of a college), school, hall or other institution of a university, in circumstances where the university receives financial support under section 65 of the Further and Higher Education Act 1992 (c. 13) [^{F10}or section 39 or 97 of the Higher Education and Research Act 2017];

“health service body” means—

- (a) an NHS trust established by virtue of [^{F11}section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006],
- (b) ^{F12}.....
- (c) a Local Health Board established by virtue of section 16BA of that Act; [^{F13}“independent hospital”—
- (a) in relation to England, means—
 - (i) a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section, or
 - (ii) any other establishment in which any of the services listed in subsection (4) are provided and which is not a health service hospital as so defined; and
- (b) in relation to Wales, has the same meaning as in the Care Standards Act 2000;]

“proprietor”—

- (a) in relation to a school within the meaning of section 4 of the Education Act 1996, has the same meaning as in section 579(1) of that Act, and
- (b) in relation to an educational institution other than such a school, means the governing body of that institution within the meaning of section 90(1) of the Further and Higher Education Act 1992; and

“statutory function” means a function conferred by or under any enactment.

[^{F14}(4) The services referred to in paragraph (a)(ii) of the definition of “independent hospital” are as follows—

- (a) medical treatment under anaesthesia or intravenously administered sedation;
- (b) dental treatment under general anaesthesia;
- (c) obstetric services and, in connection with childbirth, medical services;
- (d) termination of pregnancies;
- (e) cosmetic surgery, other than—
 - (i) ear and body piercing;
 - (ii) tattooing;

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- (iii) the subcutaneous injection of a substance or substances into the skin for cosmetic purposes; or
- (iv) the removal of hair roots or small blemishes on the skin by the application of heat using an electric current.]

Textual Amendments

- F1** Words in s. 16(1) inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 4(2)** (with **Sch. 4 para. 33**); S.I. 2017/380, reg. 2(b)
- F2** Words in s. 16(1)(g) inserted (1.10.2010) by The Health and Social Care Act 2008 (Consequential Amendments No.2) Order 2010 (S.I. 2010/813, **art. 12(a)(i)**)
- F3** S. 16(1)(ga) inserted (1.10.2010) by The Health and Social Care Act 2008 (Consequential Amendments No.2) Order 2010 (S.I. 2010/813, **art. 12(a)(ii)**)
- F4** Word in s. 16(2) omitted (6.4.2017) by virtue of Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 4(3)** (with **Sch. 4 para. 33**); S.I. 2017/380, reg. 2(b)
- F5** S. 16(2A) inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 4 para. 4(4)** (with **Sch. 4 para. 33**); S.I. 2017/380, reg. 2(b)
- F6** Words in s. 16(3) repealed (14.3.2012) by Charities Act 2011 (c. 25), s. 355, Sch. 7 para. 95, **Sch. 10** (with s. 20(2), **Sch. 8**)
- F7** Words in s. 16(3) omitted (1.8.2019) by virtue of The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, **10(a)(i)**
- F8** Word in s. 16(3) omitted (1.8.2019) by virtue of The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, **10(a)(ii)**
- F9** Words in s. 16(3) inserted (1.8.2019) by The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, **10(b)**
- F10** Words in s. 16(3) inserted (1.8.2019) by The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, **10(c)**
- F11** S. 16(3): words in definition of "health service body" substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8(2), **Sch. 1 para. 236** (with **Sch. 3**)
- F12** Words in s. 16(3) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 114**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F13** Words in s. 16(3) substituted (1.10.2010) by The Health and Social Care Act 2008 (Consequential Amendments No.2) Order 2010 (S.I. 2010/813, **art. 12(b)**)
- F14** S. 16(4) inserted (1.10.2010) by The Health and Social Care Act 2008 (Consequential Amendments No.2) Order 2010 (S.I. 2010/813, **art. 12(c)**)

Commencement Information

- I1** S. 16(1)(i) in force at 16.12.2003 by S.I. 2003/3222, **art. 2**, **Sch.** and s. 16 otherwise in force at 7.2.2005 by S.I. 2004/2360, **art. 2**, **Sch.**

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 16(3) words omitted by [2012 c. 7 Sch. 14 para. 88](#)

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\(2\)](#)