

**EXPLANATORY MEMORANDUM TO**  
**THE LICENSING ACT 2003 (PERSONAL LICENCES) (AMENDMENT)**  
**REGULATIONS 2012**

**2012 No. 946**

1. This explanatory memorandum has been prepared by the Home Office (“the Department”) and is laid before Parliament by Command of Her Majesty.

2. **Purpose of the instrument**

- 2.1 These Regulations amend the Licensing Act 2003 (Personal licences) Regulations 2005 (SI 2005/41).
- 2.2 The purpose of the amendments is to prescribe revised versions of the forms in relation to the applications for the grant and renewal of a personal licence and the form of declaration of disclosure of convictions.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 None.

4. **Legislative Context**

- 4.1 The Licensing Act 2003 (“the 2003 Act”) provides a system of authorisation for certain activities (referred to as “licensable activities”), namely: the sale by retail of alcohol; the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club; the provision of regulated entertainment; and the provision of late night refreshment. It is an offence to carry on, or attempt to carry on, a licensable activity on or from any premises without an appropriate authorisation under the 2003 Act. Such an authorisation may comprise a premises licence, a club premises certificate or a temporary event notice (“TEN”).
- 4.4. The 2003 Act requires (subject to limited exceptions) that any supply of alcohol, at premises authorised by a premises licence to carry on that activity, can only be made at a time when there is a designated premises supervisor (“DPS”) in respect of the licence. A DPS must hold a personal licence. Moreover, every supply of alcohol must be made or authorised by a personal licence holder, whether the holder, the DPS or another person. The 2003 Act, therefore, contains provision enabling an individual to apply for the grant or renewal of a personal licence. The process by which such applications are made includes a requirement that the applicant discloses the existence of any unspent relevant convictions (for offences set out in Schedule 4 to the 2003 Act) or foreign convictions. The existence of any such convictions will result

in the application having to be scrutinised by the police, and may result in the application being refused on crime prevention grounds.

## **5. Territorial Extent and Application**

5.1. These Regulations apply to England and Wales only.

## **6. European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

- *What is being done and why*

7.1 The purpose of the amendment made by these Regulations is to remove a reference to the Department for Culture, Media and Sport (“DCMS”) and the address of its website in each of the form of application for the grant or application for renewal of a personal licence, and the form of declaration of disclosure of convictions. This reference became redundant following the transfer of responsibilities from DCMS to the Department, and is therefore no longer relevant. Its removal in each form is necessary to ensure that persons who use them are not misled as to where they may direct enquiries.

- *Consolidation*

7.2 The Government does not intend to consolidate the legislation.

## **8. Consultation outcome**

8.1 The content of these Regulations has not been the subject of consultation because they do not contain a substantive amendment.

## **9. Guidance**

9.1 Information on these changes will be made available through updates to the Department’s website and statutory guidance issued under section 182 of the 2003 Act. Any changes will also be communicated to licensing authorities in England and Wales.

## **10. Impact**

10.1 There is no impact on businesses, charities or voluntary bodies.

10.2 The impact on the public sector is less than £5 million.

10.3 An Impact Assessment has not been prepared for this instrument.

**11. Regulating small business**

11.1 The legislation applies to small business but will not have an adverse impact on it.

**12. Monitoring & review**

12.1 The impact of the amendments made by these Regulations will be kept under review by the Department.

**13. Contact**

13.1 Nigel Voden, Drugs and Alcohol Unit, the Home Office on 020 7035 0609 or [nigel.voden@homeoffice.gsi.gov.uk](mailto:nigel.voden@homeoffice.gsi.gov.uk) can answer any queries regarding the instrument.