



Statutory Document No. 84/02

THE LICENSING ACT 1995

THE EMPLOYMENT OF SECURITY STAFF (ON-LICENSED PREMISES) REGULATIONS 2002

Approved by Tynwald

20th March 2002

Coming into operation

25th March 2002

In exercise of the powers conferred on the Department of Home Affairs by section 40(1) of the Licensing Act 1995¹, and of all other enabling powers, the following Regulations are hereby made:-

1. Citation and commencement and interpretation

(1) These Regulations may be cited as the Employment of Security Staff (On-licensed Premises) Regulations 2002 and, subject to section 81 of the Act, shall come into operation on the 25th March 2002.

(2) In these Regulations —

“the Act” means the Licensing Act 1995;

“the Department” means the Department of Home Affairs;

“doorkeeper” and “guard” have the meanings given by section 40(6) of the Act;

“the register” means the register maintained under regulation 2(1).

2. Establishment and maintenance of register

(1) The Department shall establish and maintain a register of persons who may be employed as a guard or doorkeeper on or with respect to any on-licensed premises.

(2) The Department shall —

¹ 1995 c.8

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- (a) cause the register to be made available for inspection by the public at its office free of charge at all times when those offices are open to the public, and
- (b) supply a copy of any entry in the register to any person requesting the same, at such reasonable charge as the Department may determine.
- (3) The register may be kept on a computer; and where it is so kept, the obligation to make it available for inspection is fulfilled by making the entries on it available in visible and legible form.
- (4) In any legal proceedings a certificate signed by or on behalf of the Department and stating that, on a date specified therein, a person was or was not entered in the register shall be received in evidence; and a certificate stating that matter and purporting to be so signed shall be treated as so signed unless the contrary is proved.

3. Application for entry on register

(1) Subject to regulation 4(8), any person may apply to the Department in writing for entry in the register.

(2) The application shall be made in a form supplied by the Department and shall specify —

- (a) the applicant's full name and date of birth;
- (b) the applicant's present and last 2 previous addresses;
- (c) whether, and if so when, an application by the applicant for entry in the register has previously been refused by the Department;
- (d) particulars of all convictions of the applicant (in the Island or elsewhere);
- (e) particulars of any training undergone by the applicant relating to —
 - (i) the performance of the functions of a guard or doorkeeper;
 - (ii) fire precautions and action in the event of fire; and
 - (iii) first aid;
- (f) the applicant's employments over the last 5 years;
- (g) the applicant's previous experience as a guard or doorkeeper;
- (h) the names and addresses of 2 persons to whom reference may be made as to the character of the applicant;

and shall authorise the Department to obtain from any source any relevant information about the applicant.

(3) The application shall be accompanied by a fee of £15.

(4) On receipt of an application under paragraph (1) the Department shall consult the Chief Constable and such other persons as it thinks appropriate.

4. Determination of applications

(1) Subject to the following provisions of this regulation and to regulation 5, if the Department considers that an applicant for entry on the register is unsuitable to be a guard or doorkeeper, it shall refuse the application, but otherwise shall grant the application.

(2) Where the Department intends to refuse an application for entry in the register, it shall give notice in writing to the applicant of its intention and the reasons for it.

(3) A notice under paragraph (2) shall state that, within 28 days of service of it on him, the applicant may make representations in writing to the Department with respect to the intended refusal.

(4) Before refusing the application, the Department shall consider any representations made pursuant to paragraph (3).

(5) The Department shall give notice in writing to the applicant of its decision to grant or refuse the application.

(6) A notice under paragraph (5) of the refusal of an application shall include —

- (a) a statement of the Department's reasons for refusal, and
- (b) a statement of the effect of regulation 5.

(7) On granting an application the Department shall also issue to the applicant —

- (a) a certificate of registration, stating the full name of the applicant and the date on which the registration expires; and
- (b) an identification badge.

(8) Where the application is refused, the applicant may not make a further application under regulation 3 before the expiration of 3 months beginning with the date on which the notice under paragraph (5) is given to him.

5. Appeals

(1) A person who is aggrieved by the refusal of the Department to grant his application under regulation 3 may, within 21 days of the service of the notice under regulation 4(5), appeal to the High Bailiff.

(2) An appeal under this regulation shall be by way of an application for an order, and shall state the grounds of appeal.

(3) The High Bailiff may uphold an appeal under this regulation if he considers that the Department, in refusing to grant the application —

- (a) erred in law; or
- (b) based its decision on any incorrect material fact; or
- (c) exercised its discretion in an unreasonable manner;

but otherwise shall refuse the appeal.

6. Removal of entries

An entry in the register shall be removed —

- (a) subject to regulation 7(4), at the expiration of 3 years beginning with the date on which it is made or renewed;
- (b) at the request of the person registered; or
- (c) on cancellation under regulation 8.

7. Application for renewal

(1) An application for renewal of an entry on the register may be made not more than 6 months before, and not later than, the expiration of the period specified in regulation 6(a).

(2) Regulations 3(2) and (4), 4 and 5 apply to an application under paragraph (1) as they apply to an application under regulation 3.

(3) The application shall be accompanied by a fee of £15.

(4) Where an application is made under paragraph (1), the entry in the register shall continue in force —

- (a) until the determination of the application, or
- (b) if the application is refused, until the expiration of 21 days from the date on which notice of the Department's decision is given to the applicant or, where an appeal is made under regulation 5, until the appeal is abandoned or determined.

8. Cancellation of entry

(1) Subject to paragraph (2), if it appears to the Department that a person entered in the register is unsuitable to be a guard or doorkeeper, it shall cancel the entry relating to him.

(2) Regulations 4 and 5 apply, with any necessary modifications, to the cancellation of an entry under paragraph (1) as they apply to the refusal of an application under regulation 3.

Minister for Home Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations make provision for a register of persons who may be employed as a guard or doorkeeper at licensed premises, and provide for applications for, and for renewal of, registration, and the duration and cancellation of registration.