



Licensing (Scotland) Act 2005

2005 asp 16

LICENSING (SCOTLAND) ACT 2005

PART 1

CORE PROVISIONS

- 1 Prohibition of unlicensed sale of alcohol
- 2 Meaning of “alcohol”
- 3 Certain supplies of alcohol to be treated as sales
- 4 The licensing objectives

PART 2

LICENSING BODIES AND OFFICERS

Licensing Boards

- 5 Licensing Boards
- 6 Statements of licensing policy
- 7 Duty to assess overprovision
- 8 Applicants attempting to influence Board members
- 9 Licensing Board’s duty to keep a public register

Local Licensing Forums

- 10 Local Licensing Forums
- 11 General functions of Local Licensing Forums
- 12 Licensing Boards' duties in relation to Local Licensing Forums

Licensing Standards Officers

- 13 Licensing Standards Officers
- 14 General functions of Licensing Standards Officers
- 15 Powers of entry and inspection
- 16 Training of Licensing Standards Officers

PART 3

PREMISES LICENCES

Introductory

- 17 Premises licence
- 18 Meaning of “appropriate Licensing Board”
- 19 Premises manager

Premises licence applications

- 20 Application for premises licence
- 21 Notification of application
- 22 Objections and representations
- 23 Determination of premises licence application
- 24 Applicant’s duty to notify Licensing Board of convictions
- 25 Further application after refusal of premises licence application
- 26 Issue of licence and summary

Conditions of premises licence

- 27 Conditions of premises licence

Duration of premises licence

- 28 Period of effect of premises licence

Variation of premises licence

- 29 Application to vary premises licence
- 30 Determination of application for variation
- 31 Variation to substitute new premises manager
- 32 Further application after refusal of application for variation

Transfer of premises licence

- 33 Transfer on application of licence holder
- 34 Transfer on application of person other than licence holder
- 35 Variation on transfer

Review of premises licence

- 36 Application for review of premises licence
- 37 Review of premises licence on Licensing Board’s initiative
- 38 Review hearing
- 39 Licensing Board’s powers on review
- 40 Review of Licensing Board’s decision to vary or suspend licence

Conviction of licence holder etc. for relevant or foreign offence

- 41 Duty to notify court of premises licence
- 42 Court’s duty to notify Licensing Board of convictions
- 43 Licence holder’s duty to notify Licensing Board of convictions
- 44 Procedure where Licensing Board receives notice of conviction

Premises under construction or conversion

- 45 Provisional premises licence
- 46 Confirmation of provisional premises licence
- 47 Temporary premises licence

Updating of licence

- 48 Notification of change of name or address
- 49 Licensing Board's duty to update premises licence

Miscellaneous

- 50 Certificates as to planning, building standards and food hygiene
- 51 Notification of determinations
- 52 Duty to keep, display and produce premises licence
- 53 Theft, loss etc. of premises licence or summary
- 54 Dismissal, resignation, death etc. of premises manager
- 55 Certified copies

PART 4

OCCASIONAL LICENCES

- 56 Occasional licence
- 57 Notification of application to chief constable and Licensing Standards Officer
- 58 Objections and representations
- 59 Determination of application
- 60 Conditions of occasional licence
- 61 Notification of determinations

PART 5

LICENSED HOURS

General

- 62 Licensed hours
- 63 Prohibition of sale, consumption and taking away of alcohol outwith licensed hours
- 64 24 hour licences to be granted only in exceptional circumstances
- 65 Licensed hours: off-sales
- 66 Effect of start and end of British Summer Time

Occasional extensions

- 67 Power for Licensing Board to grant general extensions of licensed hours
- 68 Extended hours applications
- 69 Notification of extended hours application
- 70 Determination of extended hours application

PART 6

PERSONAL LICENCES

Introductory

- 71 Personal licence

Grant and renewal of personal licence

- 72 Application for personal licence
- 73 Notification of application to chief constable
- 74 Determination of personal licence application
- 75 Applicant's duty to notify Licensing Board of convictions
- 76 Issue of licence
- 77 Period of effect of personal licence
- 78 Renewal of personal licence
- 79 Notification of determinations

Conviction of licence holder for relevant or foreign offence

- 80 Duty to notify court of personal licence
- 81 Court's duty to notify Licensing Board of convictions
- 82 Licence holder's duty to notify Licensing Board of convictions
- 83 Procedure where Licensing Board receives notice of conviction

Conduct inconsistent with licensing objectives

- 84 Conduct inconsistent with the licensing objectives

Endorsements

- 85 Expiry of endorsements
- 86 Suspension of licence after multiple endorsements

Licence holder's duty to undertake training

- 87 Licence holder's duty to undertake training

Update of licence

- 88 Notification of change of name or address
- 89 Licensing Board's duty to update licence

Miscellaneous

- 90 Power to specify which Licensing Board is to exercise functions under this Part
- 91 Power to prescribe licensing qualifications
- 92 Theft, loss etc. of personal licence
- 93 Licence holder's duty to produce licence

PART 7**CONTROL OF ORDER***Exclusion of violent offenders*

- 94 Exclusion orders
- 95 Breach of exclusion order
- 96 Exclusion orders: supplementary provision

Closure of premises

- 97 Closure orders
- 98 Termination of closure orders

- 99 Extension of emergency closure order
- 100 Regulations as to closure orders
- 101 Interpretation of sections 97 to 100

PART 8

OFFENCES

Offences relating to children and young people

- 102 Sale of alcohol to a child or young person
- 103 Allowing the sale of alcohol to a child or young person
- 104 Sale of liqueur confectionery to a child
- 105 Purchase of alcohol by or for a child or young person
- 106 Consumption of alcohol by a child or young person
- 107 Unsupervised sale of alcohol by a child or young person
- 108 Delivery of alcohol by or to a child or young person
- 109 Sending a child or young person to obtain alcohol
- 110 Duty to display notice

Drunkenness and disorderly conduct

- 111 Drunk persons entering or in premises on which alcohol is sold
- 112 Obtaining of alcohol by or for a drunk person
- 113 Sale of alcohol to a drunk person
- 114 Premises manager, staff etc. not to be drunk
- 115 Disorderly conduct
- 116 Refusal to leave premises

Miscellaneous offences

- 117 Offences relating to sale of alcohol to trade
- 118 Prohibition of unauthorised sale of alcohol on moving vehicles
- 119 Delivery of alcohol from vehicles etc.
- 120 Prohibition of late-night deliveries of alcohol
- 121 Keeping of smuggled goods

Interpretation of Part

- 122 Interpretation of Part 8

PART 9

MISCELLANEOUS AND GENERAL

Excluded and exempt premises

- 123 Excluded premises
- 124 Exempt premises

Special provision for certain clubs

- 125 Special provisions for certain clubs

Vessels, vehicles and moveable structures

- 126 Vessels, vehicles and moveable structures
- 127 Power to prohibit sale of alcohol on trains

128 Power to prohibit sale of alcohol on ferries

Relevant and foreign offences

129 Relevant offences and foreign offences

130 Effect of appeal against conviction for relevant or foreign offence

Appeals

131 Appeals

132 Appeals: supplementary provision

Procedures, forms etc.

133 Hearings

134 Form etc. of applications, proposals, and notices

135 Power to relieve failure to comply with rules and other requirements

136 Fees

Miscellaneous

137 Inspection of premises before grant of licence etc.

138 Police powers of entry

139 Remote sales of alcohol

140 Presumption as to liquid contents of containers

141 Offences by bodies corporate etc.

General

142 Guidance

143 Crown application

144 Modification of enactments

145 Ancillary provision

146 Orders and regulations

147 Interpretation

148 Index of defined expressions

149 Repeals

150 Short title and commencement

SCHEDULE 1 — Licensing Boards

1 Membership

2 Election of members

3 Disqualification from membership

4 Tenure of office etc.

5 Removal of members from office

6 Convener

7 Removal of convener

8 Administrative support

9 Committees

10 Delegation of functions

11 Training of members

12 Proceedings

13 Validity of proceedings

14 Transitional and transitory provision

SCHEDULE 2 — Local Licensing Forums

- 1 Introductory
- 2 Membership
- 3 Convener
- 4 Administrative support
- 5 Meetings and proceedings

SCHEDULE 3 — Premises licences: mandatory conditions

- 1 Interpretation
- 2 Compliance with the operating plan
- 3 Any other activity to be carried on in the premises...
- 4 The premises manager
- 5 Authorisation of sales of alcohol
- 6 Training of staff
- 7 Pricing of alcohol
- 8 Irresponsible drinks promotions
- 9 Provision of non-alcoholic drinks
- 10 Payment of annual or recurring fees

SCHEDULE 4 — Occasional licences: mandatory conditions

- 1 Interpretation
- 2 Compliance with licence
- 3 Any other activity to be carried on in the premises...
- 4 Authorisation of sales of alcohol
- 5 Voluntary organisations
- 6 Pricing of alcohol
- 7 Irresponsible drinks promotions
- 8 Provision of non-alcoholic drinks

SCHEDULE 5 — Appeals

- Part 1 — APPEALS TO THE SHERIFF PRINCIPAL
- Part 2 — APPEALS TO THE SHERIFF

SCHEDULE 6 — Modification of enactments

- 1 Children and Young Persons Act 1963 (c. 37)
- 2 Countryside (Scotland) Act 1967 (c. 86)
- 3 New Towns (Scotland) Act 1968 (c. 16)
- 4 Water (Scotland) Act 1980 (c. 45)
- 5 Local Government, Planning and Land Act 1980 (c. 65)
- 6 Civic Government (Scotland) Act 1982 (c. 45)
- 7 Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39)
- 8 Crime and Punishment (Scotland) Act 1997 (c. 48)
- 9 Scottish Public Services Ombudsman Act 2002 (asp 11)
- 10 Freedom of Information (Scotland) Act 2002 (asp 13)

SCHEDULE 7 — Repeals