

*These notes relate to the Licensing (Scotland) Act 2005
(asp 16) which received Royal Assent on 21 December 2005*

LICENSING (SCOTLAND) ACT 2005

EXPLANATORY NOTES

COMMENTARY ON PARTS

Part 5 – Licensed Hours

Section 62 – Licensed hours

131. This section establishes the new regime of licensing hours on which the licensing system will be based. This is a move away from the system of “permitted hours” of the Licensing (Scotland) Act 1976. The Act introduces a more modern approach and gets rid of the practice of giving extensions to hours in favour of clarity up front about acceptable hours. Licence holders would be required to specify their hours in their operating plans which are submitted to the Licensing Board for approval along with their premises licence applications and are drawn up with regard to the Board’s published policy statement, which sets out the Board’s general approach to policy on licensing hours for their area. The hours for occasional licences are, similarly, to be set out in the application for the licence and incorporated into the licence if granted.
132. Subsection (2) establishes definitions for off-sales hours and on-sales hours respectively. These labels apply not just to hybrid premises but also to premises which are exclusively on-sales or off-sales.