



Licensing (Scotland) Act 2005

2005 asp 16

PART 5

LICENSED HOURS

Occasional extensions

67 Power for Licensing Board to grant general extensions of licensed hours

- (1) A Licensing Board may, if they consider it appropriate to do so in connection with a special event of local or national significance, make a determination extending licensed hours by such period as the Board may specify in the determination.
- (2) A determination under subsection (1) may apply to—
 - (a) the whole of the Licensing Board's area or only to specified parts of the area,
 - (b) licensed hours generally or only to specified descriptions of licensed hours, and
 - (c) all licensed premises in the Board's area or only to specified descriptions of such premises.
- (3) A determination under subsection (1) has effect for such period as the Board may specify in it.
- (4) Where a Licensing Board makes a determination under subsection (1), the Board must—
 - (a) give notice of the determination to—
 - (i) the appropriate chief constable, and
 - (ii) the holders of premises licences and occasional licences in respect of premises to which the determination applies, and
 - (b) publicise it in such manner as the Board sees fit.
- (5) Nothing in this section is to be taken as requiring any licensed premises to be open for the sale of alcohol during the period of any extension of licensed hours specified in a determination under subsection (1).

- (6) Except where the context requires otherwise, references in this Act to “licensed hours” are, in relation to any relevant premises to which a determination under subsection (1) applies, to be taken as references to such hours as extended by the determination.
- (7) In this section, “specified” means specified in a determination under subsection (1).

68 Extended hours applications

- (1) The appropriate Licensing Board may—
- (a) on the application of the holder of the premises licence in respect of any licensed premises, and
 - (b) if the Board consider it appropriate to do so in connection with—
 - (i) a special event or occasion to be catered for on the premises, or
 - (ii) a special event of local or national significance,extend the licensed hours in respect of the premises by such period as is specified in the application or such other period as the Board consider appropriate.
- (2) An extension of licensed hours under subsection (1) has effect for such period as is specified in the application or such other period as the Board consider appropriate; but in either case the period must not exceed one month.
- (3) An application under subsection (1) is referred to in this Act as an “extended hours application”.
- (4) A period of licensed hours which is extended under this section may not be further extended under this section.
- (5) Except where the context requires otherwise, references in this Act to “licensed hours” are, in relation to any period of licensed hours extended under this section, to be taken as references to such hours as so extended.
- (6) References in this section to “licensed premises” do not include premises in respect of which an occasional licence has effect.

69 Notification of extended hours application

- (1) Where a Licensing Board receives an extended hours application, the Board must give notice of it, together with a copy of the application, to—
- (a) the appropriate chief constable, and
 - (b) any Licensing Standards Officer for the area in which the subject premises are situated.
- (2) The appropriate chief constable may, within 10 days of receipt of a notice under subsection (1)(a), by notice to the appropriate Licensing Board object to the application if the chief constable considers it necessary to do so for the purposes of the crime prevention objective.
- (3) A Licensing Standards Officer must, within 10 days of receipt of a notice under subsection (1)(b), prepare and submit to the Licensing Board a report setting out the Officer’s comments on the application.

70 Determination of extended hours application

- (1) In determining an extended hours application, the Licensing Board must take into account—
 - (a) any notice of objection given by the appropriate Chief Constable under section 69(2), and
 - (b) the Licensing Standards Officer’s report under section 69(3).
- (2) The Board may hold a hearing for the purpose of determining an extended hours application.
- (3) Where the Board does not hold a hearing for that purpose, the Board must, before determining the application, ensure that the applicant is given an opportunity to comment on any such notice or report as is mentioned in subsection (1).
- (4) Where a Licensing Board grants or refuses an extended hours application, the Board must give notice of the grant or refusal to—
 - (a) the applicant,
 - (b) the appropriate chief constable, and
 - (c) any Licensing Standards Officer for the area in which the subject premises are situated.
- (5) A person to whom notice is given under subsection (4) may, by notice to the clerk of the Board, require the Board to give a statement of reasons for the grant or refusal of the application.
- (6) Where the clerk of a Licensing Board receives a notice under subsection (5), the Board must issue a statement of the reasons for the grant or refusal of the application to—
 - (a) each person giving the notice, and
 - (b) each other person to whom the Board gave notice under subsection (4).
- (7) A statement of reasons under subsection (6) must be issued—
 - (a) by such time, and
 - (b) in such form and manner,as may be prescribed.