



Licensing (Scotland) Act 2005

2005 asp 16

PART 6

PERSONAL LICENCES

Miscellaneous

90 Power to specify which Licensing Board is to exercise functions under this Part

- (1) The Scottish Ministers may by order provide for any function exercisable under this Part by a Licensing Board of a particular description to be exercisable instead by a Licensing Board of such other description as may be specified in the order.
- (2) An order under subsection (1) may—
 - (a) modify this Act, and
 - (b) make different provision in relation to different functions.

Commencement Information

- II** S. 90 in force at 1.5.2007 by [S.S.I. 2007/129](#), art. 3, [Sch.](#)

91 Power to prescribe licensing qualifications

- (1) In this Act, “licensing qualification” means—
 - (a) such qualification, or
 - (b) a qualification of such description,as may be prescribed.
- (2) Regulations under subsection (1) may, in particular—
 - (a) prescribe qualifications or descriptions of qualifications by reference to whether they are—
 - (i) accredited, or
 - (ii) awarded by a person who is accredited,

Changes to legislation: Licensing (Scotland) Act 2005, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

for the purposes of this section by the Scottish Ministers in accordance with the regulations,

- (b) prescribe qualifications or descriptions of qualifications awarded outwith Scotland (as well as qualifications awarded within Scotland),
- (c) prescribe different qualifications in relation to different licensed premises or licensed premises of different descriptions, and
- (d) prescribe such qualifications as the appropriate licensing qualifications in relation to those descriptions of licensed premises for the purposes of paragraph 4(2) of schedule 3.

Commencement Information

I2 S. 91 in force at 1.5.2007 by [S.S.I. 2007/129](#), art. 3, [Sch.](#)

92 Theft, loss etc. of personal licence

- (1) This section applies where the Licensing Board which issued a personal licence receives from the holder of the licence an application for a replacement personal licence.
- (2) If satisfied that—
 - (a) the personal licence held by the applicant has been lost, stolen, damaged or destroyed, and
 - (b) where it has been lost or stolen, the applicant has reported the loss or theft to the police,
 the Licensing Board must issue to the applicant a replacement personal licence.
- (3) A replacement personal licence is a copy of the personal licence held by the applicant—
 - (a) in the form in which it existed immediately before it was lost, stolen, damaged or destroyed, and
 - (b) certified by the Board to be a true copy.
- [^{F1}(3A) A replacement personal licence is void if at the time it is issued the personal licence in respect of which it was issued is not lost, stolen, damaged or destroyed.
- (3B) Where a replacement personal licence is issued in respect of a personal licence which has been lost or stolen, the replacement personal licence becomes void if the personal licence is subsequently found or recovered.
- (3C) A person who holds a void replacement personal licence must surrender it to the Licensing Board.
- (3D) A person who, without reasonable excuse, fails to comply with subsection (3C) commits an offence.
- (3E) A person who passes off a void replacement personal licence as a valid licence, knowing that the licence is void, commits an offence.
- (3F) A person guilty of an offence under subsection (3D) or (3E) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

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- (4) In this Act, references to a personal licence include references to a replacement personal licence issued under this section.

Textual Amendments

- F1** S. 92(3A)-(3F) inserted (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 192\(4\)](#), [206\(1\)](#); [S.S.I. 2010/413](#), [art. 2](#), [Sch.](#)

Commencement Information

- I3** S. 92 in force at 1.2.2008 by [S.S.I. 2007/472](#), [art. 2](#), [Sch. 1](#)

93 Licence holder's duty to produce licence

- (1) This section applies where the holder of a personal licence is working at any licensed premises.
- (2) A constable or Licensing Standards Officer may, at any time when the licence holder is on the licensed premises, require the licence holder to produce the licence for examination.
- (3) A person who fails, without reasonable excuse, to comply with a requirement made under subsection (2) commits an offence.
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Commencement Information

- I4** [S. 93](#) in force at 1.9.2009 at 5.00 a.m. by [S.S.I. 2007/472](#), [art. 3](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) Appointed Day(s) by [S.S.I. 2006/239 art. 2](#) (This S.S.I. is revoked on 25.5.2006 by S.S.I. 2006/286, art. 6)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 33(1)(1A) substituted for s. 33(1)-(3) by [2015 asp 10 s. 49\(2\)\(a\)](#)
- s. 33(8)(za) inserted by [2015 asp 10 s. 49\(2\)\(c\)](#)
- s. 33(8A) inserted by [2015 asp 10 s. 49\(2\)\(d\)](#)
- s. 33A inserted by [2015 asp 10 s. 49\(4\)](#)
- s. 134ZA-134ZC inserted by [2015 asp 10 s. 61\(2\)](#)