



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.

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,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.

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

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.