



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 9

#### MISCELLANEOUS AND GENERAL

##### *Special provision for certain clubs*

#### 125 Special provisions for certain clubs

- (1) The provisions of this Act mentioned in subsection (2) do not apply in relation to premises which are used wholly or mainly for the purposes of any club of such description as may be prescribed.
- (2) Those provisions are—
  - (a) section 7 (assessments of overprovision),
  - (b) section 20(4)(g) (requirement for operating plan to contain information as to the premises manager),
  - (c) section 23(5)(e) (ground of refusal of premises licence application relating to overprovision),
  - (d) section 26(2)(a)(ii) (requirement for name and address of premises manager to be specified in premises licence),
  - (e) section 30(5)(d) (ground of refusal of premises licence variation application relating to overprovision),
  - (f) in schedule 3—
    - (i) paragraph 4 (requirement for there to be a premises manager for licensed premises), and
    - (ii) paragraph 5 (requirement for sales of alcohol under premises licence to be authorised by a personal licence holder), and
  - (g) in schedule 4, paragraph 4 (requirement for sales of alcohol under certain occasional licences to be authorised by a personal licence holder).
- (3) Different descriptions of clubs may be prescribed under subsection (1) in relation to different provisions specified in subsection (2).
- (4) The Scottish Ministers may by regulations provide for this Act to apply in relation to—
  - (a) clubs of such descriptions as may be prescribed in the regulations, or

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*Changes to legislation: Licensing (Scotland) Act 2005, Cross Heading: Special provision for certain clubs is up to date with all changes known to be in force on or before 18 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*

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- (b) premises used wholly or mainly for the purposes of such clubs, subject to such further modifications as may be so prescribed.
- (5) Regulations under subsection (1) or (4) may prescribe a description of club by reference to—
- (a) requirements as to the constitution of the club, including, in particular, requirements as to—
    - (i) membership of the club, and
    - (ii) the rules of the club, and
  - (b) such other factors as the Scottish Ministers consider appropriate.

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**Commencement Information**

**II** S. 125 in force at 1.2.2008 by [S.S.I. 2007/472](#), art. 2, [Sch. 1](#)

**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\(2\)](#)