



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 9

#### MISCELLANEOUS AND GENERAL

##### *Procedures, forms etc.*

#### **135 Power to relieve failure to comply with rules and other requirements**

- (1) A Licensing Board may relieve any applicant or other party to proceedings before the Board of any failure to comply with any procedural provision if—
  - (a) the failure is due to mistake, oversight or other excusable cause, and
  - (b) the Board considers it appropriate in all the circumstance to relieve the failure.
- (2) Where a Board exercises the power under subsection (1), the Board may make such order as appears necessary or expedient to enable the proceedings to continue as if the failure had not occurred.
- (3) In subsection (1), “procedural provision” means—
  - (a) any requirement of regulations under—
    - (i) section 133(2),
    - (ii) section 134(1), or
    - (iii) paragraph 12(4) of schedule 1,
  - (b) any requirement of rules under paragraph 12(5) of that schedule, and
  - (c) any other requirement imposed by virtue of this Act as respects the procedure to be followed in connection with applications made to, or other proceedings before, a Licensing Board.