



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 9

#### MISCELLANEOUS AND GENERAL

##### *General*

#### **142 Guidance**

- (1) The Scottish Ministers may issue guidance to Licensing Boards as to the exercise of their functions under this Act.
- (2) The Scottish Ministers may modify any guidance issued by them under subsection (1).
- (3) Each Licensing Board must, in the exercise of their functions under this Act, have regard to any guidance issued to them under subsection (1).
- (4) Where a Licensing Board decides not to follow any guidance issued under subsection (1), the Board must give the Scottish Ministers notice of the decision together with a statement of the reasons for it.
- (5) The first guidance to Licensing Boards under subsection (1) is not to be issued by the Scottish Ministers unless a draft of the guidance has been laid before, and approved by resolution of, the Scottish Parliament.
- (6) The Scottish Ministers must lay any subsequent guidance issued by them under subsection (1) before the Parliament.