



Licensing (Scotland) Act 2005

2005 asp 16

PART 3

PREMISES LICENCES

Conditions of premises licence

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- (1) Except to the extent that schedule 3 provides otherwise, every premises licence is subject to the conditions specified in that schedule.
- (2) The Scottish Ministers may by regulations modify schedule 3 so as—
 - (a) to add such further conditions as they consider necessary or expedient for the purposes of any of the licensing objectives, or
 - (b) to extend the application of any condition specified in the schedule.
- (3) The Scottish Ministers must by regulations prescribe further conditions which Licensing Boards must impose on the granting by them of premises licences falling within subsection (4).
- (4) A premises licence falls within this subsection if the operating plan for the premises to which the licence relates specifies that the premises will, on any occasion, be open for a continuous period beginning on one day and ending after 1am on the following day.
- (5) The Scottish Ministers may by regulations prescribe further conditions as conditions which Licensing Boards may, at their discretion, impose on the granting by them of premises licences.
- (6) Without prejudice to subsection (5), where a Licensing Board grants a premises licence, the Board may impose such other conditions (in addition to those to which the licence is subject by virtue of subsection (1) or (3)) as they consider necessary or expedient for the purposes of any of the licensing objectives.
- (7) A Licensing Board may not impose a condition under subsection (6) which—
 - (a) is inconsistent with any condition—
 - (i) to which the premises licence is subject by virtue of subsection (1), or

Status: This is the original version (as it was originally enacted).

- (ii) prescribed under subsection (5),
 - (b) would have the effect of making any such condition more onerous or more restrictive, or
 - (c) relates to a matter (such as planning, building control or food hygiene) which is regulated under another enactment.
- (8) The conditions which may be—
- (a) added under subsection (2)(a),
 - (b) prescribed under subsection (5), or
 - (c) imposed under subsection (6),
- include, in particular, conditions of the kind described in subsection (9).
- (9) Those are conditions requiring anything to be done, or prohibiting or restricting the doing of anything, in connection with—
- (a) the sale of alcohol on the premises in respect of which a premises licence has effect, or
 - (b) any other activity carried on in such premises.
- (10) Where, under any provision of this Act, a Licensing Board has power to make a variation of the conditions to which a premises licence is subject, the power may not be exercised so as to have the effect of imposing a condition which the Board could not have imposed under this section on the granting of the licence.