



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 3

#### PREMISES LICENCES

##### *Variation of premises licence*

#### **29 Application to vary premises licence**

- (1) A premises licence holder may apply to the appropriate Licensing Board for a variation of the licence.
- (2) An application under subsection (1) must be accompanied by—
  - (a) the premises licence to which the application relates, or
  - (b) if that is not practicable, a statement of the reasons for failure to produce the licence.
- (3) An application under subsection (1) which complies with subsection (2) is referred to in this Act as a “premises licence variation application”.
- (4) Sections 21(1) and (2) and 22 apply in relation to a premises licence variation application (other than one in which the only variation sought is a minor variation) as they apply to a premises licence application.
- (5) In this Act, “variation”, in relation to a premises licence, means any variation of—
  - (a) any of the conditions to which the licence is subject (other than those to which the licence is subject by virtue of section 27(1)),
  - (b) any of the information contained in the operating plan contained in the licence,
  - (c) the layout plan contained in the licence, or
  - (d) any other information contained or referred to in the licence,and includes an addition, deletion or other modification.
- (6) In this Act, “minor variation” means—
  - (a) any variation of the layout plan, if the variation does not result in any inconsistency with the operating plan,

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*Status: This is the original version (as it was originally enacted).*

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- (b) where, under the operating plan contained in the licence, children or young persons are allowed entry to the premises, any variation reflecting any restriction or proposed restriction of the terms on which they are allowed entry to the premises,
- (c) any variation of the information contained in the licence relating to the premises manager (including a variation so as to substitute a new premises manager), and
- (d) any other variation of such description as may be prescribed for the purposes of this subsection.