



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 3

#### PREMISES LICENCES

##### *Transfer of premises licence*

#### **34 Transfer on application of person other than licence holder**

- (1) A person other than—
  - (a) the holder of a premises licence, or
  - (b) an individual under the age of 18,(being a person of a prescribed description) may, within 28 days of the occurrence of any of the events specified in subsection (3), apply to the appropriate Licensing Board for the transfer to that person 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) The events referred to in subsection (1) are—
  - (a) the premises licence holder, being an individual—
    - (i) dies, or
    - (ii) becomes incapable within the meaning of section 1(6) of the Adults with Incapacity (Scotland) Act 2000 (asp 4),
  - (b) the premises licence holder, being an individual, a partnership or a company, becomes insolvent,
  - (c) the premises licence holder, being a person other than an individual, a partnership or a company, is dissolved, and
  - (d) the business carried on in the licensed premises to which the licence relates is transferred (whether by sale or otherwise) to another person.
- (4) Subsections (4) to (10) of section 33 apply for the purposes of an application under subsection (1) of this section as they apply for the purposes of an application under

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*Status: This is the original version (as it was originally enacted).*

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subsection (1) of that section, but as if references in them to the transferee were references to the applicant in relation to the application under subsection (1) of this section.

- (5) Subsections (7) and (8) of section 28 apply for the purposes of subsection (3)(b) of this section as they apply for the purposes of subsection (5)(d) of that section.