



Licensing (Scotland) Act 2005

2005 asp 16

PART 3

PREMISES LICENCES

Transfer of premises licence

35 Variation on transfer

- (1) A person making an application to a Licensing Board under section 33(1) or 34(1) for transfer of a premises licence may also make an application to the Board for a variation of the licence.
- (2) Sections 29 and 30 apply in relation to an application under subsection (1) for a variation as they apply to a premises licence variation application.
- (3) Where—
 - (a) an application is made under subsection (1), and
 - (b) the applicant intimates to the Licensing Board that the application under section 33(1) or 34(1) for transfer of the premises licence is contingent on the grant of the application under subsection (1),the Licensing Board must determine the application under subsection (1) before determining the application for the transfer of the licence.
- (4) In such a case, if the Licensing Board refuses the application under subsection (1), the application for the transfer of the licence falls.
- (5) In any other case where an application under subsection (1) is made—
 - (a) the Licensing Board must first determine the application for transfer of the licence before determining the application under subsection (1), and
 - (b) if the application for the transfer of the licence is refused, the application under subsection (1) falls.