



Licensing (Scotland) Act 2005

2005 asp 16

PART 3

PREMISES LICENCES

Review of premises licence

36 Application for review of premises licence

- (1) Any person may apply to the appropriate Licensing Board in respect of any licensed premises in relation to which a premises licence has effect for a review of the licence on any of the grounds for review.
- (2) An application under subsection (1) is referred to in this Act as a “premises licence review application”.
- (3) The grounds for review referred to in subsection (1) are—
 - [^{F1}(za) that, having regard to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a premises licence,]
 - (a) that one or more of the conditions to which the premises licence is subject has been breached, or
 - (b) any other ground relevant to one or more of the licensing objectives.
- (4) A Licensing Standards Officer may make a premises licence review application on the ground specified in subsection (3)(a) only if—
 - (a) in relation to the alleged ground for review, the Officer or any other Licensing Standards Officer has issued to the licence holder a notice under section 14(2)(a)(i), and
 - (b) the licence holder has failed to take the action specified in the notice to the satisfaction of the Officer.
- (5) A premises licence review application must specify the alleged ground for review, including in particular—
 - [^{F2}(za) where the ground is that specified in subsection (3)(za), a summary of the information on which the applicant's view that the alleged ground applies is based,]

Changes to legislation: Licensing (Scotland) Act 2005, Section 36 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) where the ground is that specified in subsection (3)(a), the condition or conditions alleged to have been breached,
 - (b) where the ground is that specified in subsection (3)(b), the licensing objective or objectives to which the alleged ground of review relates.
- [^{F3}(5A) A person making a premises licence review application may include in the application any information that the applicant considers may be relevant to consideration by the Licensing Board of the alleged ground for review including, in particular, information in relation to—
- (a) the licence holder,
 - (b) where the licence holder is neither an individual nor a council, a connected person in relation to the licence holder, or
 - (c) any person who is an interested party in relation to the licensed premises.]
- (6) The Licensing Board may reject a premises licence review application if the Board considers the application—
- (a) is vexatious or frivolous, or
 - (b) does not disclose any matter relevant to any ground for review.
- (7) Where the Licensing Board rejects a premises licence review application under subsection (6), the Board—
- (a) must give notice of the decision, and the reasons for it, to the applicant, and
 - (b) where it is rejected on the ground that it is frivolous or vexatious, may recover from the applicant any expenses incurred by the Board in considering the application.
- (8) In any proceedings by a Licensing Board for the recovery of expenses under subsection (7)(b), a copy of any minute of proceedings of the Licensing Board—
- (a) recording the Board's rejection of the application and the grounds for rejection, and
 - (b) certified by the clerk of the Board to be a true copy,
- is sufficient evidence of the rejection and of the establishment of the grounds for rejection.

Textual Amendments

- F1** S. 36(3)(za) inserted (15.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), **ss. 45(2)(a)**, 88(2); S.S.I. 2017/119, art. 2, sch. (with arts. 3, 4)
- F2** S. 36(5)(za) inserted (15.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), **ss. 45(2)(b)**, 88(2); S.S.I. 2017/119, art. 2, sch. (with arts. 3, 4)
- F3** S. 36(5A) inserted (15.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), **ss. 45(2)(c)**, 88(2); S.S.I. 2017/119, art. 2, sch. (with arts. 3, 4)

Commencement Information

- I1** S. 36 in force at 1.2.2008 by [S.S.I. 2007/472](#), art. 2, **Sch. 1**

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) Appointed Day(s) by [S.S.I. 2006/239 art. 2](#) (This S.S.I. is revoked on 25.5.2006 by S.S.I. 2006/286, art. 6)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 33(1)(1A) substituted for s. 33(1)-(3) by [2015 asp 10 s. 49\(2\)\(a\)](#)
- s. 33(8)(za) inserted by [2015 asp 10 s. 49\(2\)\(c\)](#)
- s. 33(8A) inserted by [2015 asp 10 s. 49\(2\)\(d\)](#)
- s. 33A inserted by [2015 asp 10 s. 49\(4\)](#)
- s. 134ZA-134ZC inserted by [2015 asp 10 s. 61\(2\)](#)