



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 4

#### OCCASIONAL LICENCES

#### **58 Objections and representations**

- (1) Where an occasional licence application is made to a Licensing Board, any person may by notice to the Licensing Board—
  - (a) object to the application on any ground relevant to one of the grounds for refusal specified in section 59(6), or
  - (b) make representations to the Board concerning the application, including, in particular, representations—
    - (i) in support of the application, or
    - (ii) as to conditions which the person considers should be imposed.
- (2) Where a Licensing Board receives a notice of objection or representation under subsection (1) relating to any occasional licence application made to the Board, the Board must—
  - (a) give a copy of the notice to the applicant in such manner and by such time as may be prescribed, and
  - (b) have regard to the objection or representation in determining the application, unless the Board rejects the notice under subsection (3).
- (3) A Licensing Board may reject a notice of objection or representation received by the Board under subsection (1) if the objection or representation is frivolous or vexatious.
- (4) Where a Licensing Board rejects a notice of objection or representation under subsection (3), the Board may recover from the person who gave the notice any expenses incurred by the Board in considering the notice.
- (5) In any proceedings by a Licensing Board for the recovery of expenses under subsection (4), a copy of any minute of proceedings of the Licensing Board—
  - (a) recording the Board's rejection of the notice and the grounds for rejection, and
  - (b) certified by the clerk of the Board to be a true copy,

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*Status: This is the original version (as it was originally enacted).*

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is sufficient evidence of the rejection and of the establishment of the ground for rejection.