



# Alcohol etc. (Scotland) Act 2010

## 2010 asp 18

### PART 1

#### ALCOHOL LICENSING

##### *Variation of licence conditions*

#### **10 Premises licences: variation of conditions**

(1) After section 27 of the 2005 Act, insert—

##### **“27A Power of Board to vary premises licence conditions**

- (1) A Licensing Board may, in relation to any prescribed matter, make a variation of the conditions to which a premises licence in respect of licensed premises within its area is subject.
- (2) The Scottish Ministers may not, under subsection (1), prescribe the age at which persons aged 18 or over may purchase alcohol as a matter in respect of which the conditions to which a premises licence is subject may be varied under this section.
- (3) A variation under subsection (1) may apply to—
  - (a) all licensed premises,
  - (b) particular licensed premises,
  - (c) licensed premises within particular parts of its area, or
  - (d) licensed premises of a particular description.
- (4) A variation under subsection (1) has effect for such period as the Board may specify in it.
- (5) The Board may make a variation under subsection (1) only where it is satisfied that the variation is necessary or expedient for the purposes of any of the licensing objectives.
- (6) Before making a variation under subsection (1), the Board must—

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*Status: This is the original version (as it was originally enacted).*

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- (a) publish, in the prescribed manner, notice of the proposed variation, and
  - (b) give notice of the proposed variation to—
    - (i) the persons mentioned in section 21(1)(b), (c), (ca), (d) and (e), and
    - (ii) the holders of premises licences in respect of premises to which the proposed variation would apply.
- (7) A notice under subsection (6) must state that any person may, by notice to the Licensing Board, make representations to the Board concerning the proposed variation before such date as the Board specifies in the notice under subsection (6).
- (8) If the Board receives any representations before the date specified, the Board—
- (a) must hold a hearing in relation to the proposed variation, and
  - (b) may give such persons who have made representations as the Board considers appropriate an opportunity to be heard at the hearing.
- (9) Where a Licensing Board makes a variation under subsection (1), the Board must—
- (a) amend the premises licence,
  - (b) within the period of one month, give notice of the variation to—
    - (i) the appropriate chief constable, and
    - (ii) the holders of premises licences in respect of premises to which the variation applies,
  - (c) send a copy of the variation to the address of the premises to which the variation applies, and
  - (d) publicise the variation in such manner as the Board thinks fit.
- (10) A variation under subsection (1) does not have effect unless notice under subsection (9)(b)(ii) has been given.
- (11) In subsection (1), the power to make a variation of the conditions to which a premises licence is subject includes—
- (a) a power to make a revocation of such a variation in the same manner and subject to the same conditions, duties and limitations as the variation, and
  - (b) a power to make a variation (or a revocation of a variation) of the conditions to which a provisional premises licence is subject.”.
- (2) In section 146 (orders and regulations), in subsections (4)(b) and (5)(b), after “27(2)” insert “, 27A(1)”.