
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 394

**The Gambling Act 2005 (Review of Premises
Licences) (Scotland) Regulations 2007**

Failure to give proper notice of an application

5.—(1) This regulation applies where a person who is making an application fails to give proper notice of the application within the period provided for under regulation 3(4).

(2) For the purposes of paragraph (1), a person fails to give proper notice of an application if, in the case of any one or more of the notices which that person is required to give under regulation 3, that person fails to give a notice which complies with the requirements of these Regulations as to the form and manner in which it is to be given.

(3) Subject to paragraph (5), where the applicant fails to give proper notice of an application to the person holding the premises licence or a responsible authority, as the case may be, the applicant must give notice to that person or the authority in a form and manner which complies with the requirements of these Regulations (other than as to the period within which the notice is to be given) as soon as practicable after the end of the period referred to in regulation 3(4).

(4) In a case to which this regulation applies, the person holding the premises licence or, as the case may be, the responsible authority concerned may make any representations about the application within the period of 28 days starting on the day on which the notice referred to in paragraph (3) is received.

(5) Regulation 3(3) is to have effect in relation to the notice to be given under paragraph (3) as if it required the notice to specify the period referred to in paragraph (4) as the period during which representations about the application may be made by the person to whom the notice is given.

(6) The licensing authority may not grant the application until—

- (a) notice has been given by the applicant in accordance with paragraph (3); and
- (b) the period referred to in paragraph (4) has elapsed.

(7) Subject to paragraph (6), the licensing authority may disregard any irregularity in relation to the giving of notice under regulation 3.