
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 277

**The Licensing (Scotland) Act 2005
(Transitional Provisions) Order 2009**

Application of the Act to deemed personal licence

7.—(1) The Act applies to a personal licence that is deemed to be in effect under article 2(1) or (2) with the following modifications.

(2) In section 56 (occasional licence) subsection (2)(b) is disapplied.

(3) Sections 71(a) (personal licence), 72 (application for personal licence) to 81 (courts' duty to notify Licensing Board of conviction), 85 (expiry of endorsements) to 87 (licence holder's duty to undertake training) and 89 (Licensing Board's duty to update licence) to 93 (licence holder's duty to produce licence) are disapplied.

(4) In section 82 (licence holder's duty to notify Licensing Board of convictions) subsections (2) (a) and (3)(b) are disapplied.

(5) Section 83 (procedure where Licensing Board receives notice of conviction) is modified as follows—

(a) subsections (1)(b) and (10)(c) are disapplied;

(b) any reference to endorsement of a personal licence is of no effect; and

(c) paragraph (b) of the definition of "relevant Licensing Board" in subsection (11) is disapplied.

(6) Section 84 (conduct inconsistent with the licensing objectives) is modified as follows—

(a) subsections (4), (5), (8)(b) and (c) are disapplied; and

(b) any reference to endorsement of a personal licence is of no effect.

(7) Subsection (2) of section 88 (notification of change of name or address) is disapplied.

(8) References in sections 82 to 84, and 88 to the personal licence holder are to be read as references to the holder of the deemed personal licence.