
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 416

**Act of Sederunt (Sheriff Court Rules)
(Miscellaneous Amendments) (No. 2) 2010**

The Criminal Justice and Licensing (Scotland) Act 2010

9.—(1) The Summary Application Rules are amended in accordance with the following subparagraphs.

(2) For rules 3.34.1 to 3.34.8 of Part XXXIV (Licensing (Scotland) Act 2005)(1) of Chapter 3 substitute—

“Appeals

3.34.—(1) An appeal under section 131 of the Licensing (Scotland) Act 2005(2) is to be made by summary application.

(2) An application under paragraph (1) must be lodged with the sheriff clerk of the sheriff court district in which the principal office of the Licensing Board is situated not later than 21 days after the relevant date.

(3) In paragraph (2) “relevant date” means—

- (a) the date of the decision of the Licensing Board; or
- (b) where a statement of reasons has been required under section 51(2) of the 2005 Act, the date of issue of the statement of reasons.”

(3) In Schedule 1 (forms)—

(a) in Form 27 in the introductory paragraph of the second form of interlocutor, for “section 30(2)” substitute “[section (30(2))][section 30(2A)]”;

(b) in Form 28—

- (i) in statement 3 of Part B, for “relevant harm” substitute “[relevant harm][the commission of an exploitation offence] (*delete as appropriate*)”;
- (ii) in the introductory paragraph of the second form of interlocutor, for “section 32(1)” substitute “[section 32(1)][section 32(1A)]”;

(c) in Form 29 —

- (i) in statement 2 of Part B, for “the occurrence of relevant harm” substitute “[the occurrence of relevant harm][the commission of an exploitation offence] (*delete as appropriate*)”;
- (ii) in the introductory paragraph of the second form of interlocutor, for “the occurrence of relevant harm” substitute “[the occurrence of relevant harm][the commission of an exploitation offence]”;

(d) omit Form 33(3).

(1) Part XXXIV of Chapter 3 was inserted by [S.S.I. 2008/9](#).

(2) [2005 asp 16](#). Section 131 was amended by the Criminal Justice and Licensing (Scotland) Act 2010 ([asp 13](#)), section 194.

(3) Form 33 was inserted by [S.S.I. 2008/9](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(4) Rules 3.34.1 to 3.34.8 and Form 33 as they applied immediately before 13th December 2010 continue to have effect for all purposes in respect of decisions that may be appealed under section 131(1) of, and Schedule 5 to, the Licensing (Scotland) Act 2005 made by a Licensing Board before 13th December 2010.