
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 178

**The Criminal Justice and Licensing (Scotland)
Act 2010 (Commencement No. 8, Transitional
and Savings Provisions) Order 2011**

Section 177 (licensing of late night catering)

10.—(1) A person who on or after 1st October 2012 carries on the activity designated by section 42(1) of the 1982 Act without a late hours catering licence shall not be guilty of an offence under section 7(1) of the 1982 Act if—

- (a) that person made an application to the licensing authority before that date for the grant of the late hours catering licence in respect of the activity being carried on by the person; and
 - (b) that application has not yet been finally determined.
- (2) For the purposes of paragraph (1)(b), an application is finally determined—
- (a) when it is withdrawn by the applicant;
 - (b) when it is granted by the licensing authority;
 - (c) when it is refused by the licensing authority and the period of 28 days specified in paragraph 18(4) of Schedule 1 to the 1982 Act expires without an appeal against the refusal being made to the sheriff; or
 - (d) in a case where an appeal is made against a refusal by the licensing authority, when that appeal is disposed of.
- (3) For the purposes of paragraph (2)(d), an appeal is disposed of—
- (a) when it is abandoned by the appellant; or
 - (b) when a decision on it is made by the sheriff or a higher court expires without such a subsequent appeal being made.