



Licensing (Scotland) Act 2005

2005 asp 16

LICENSING (SCOTLAND) ACT 2005

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Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Licensing (Scotland) Act 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

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Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Licensing (Scotland) Act 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

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Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Licensing (Scotland) Act 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

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Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Licensing (Scotland) Act 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

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SCHEDULE 1 — Licensing Boards

Membership

1 (1) A Licensing Board is to consist of such number...

Election of members

2 (1) Each council must, at their first meeting after each...

Disqualification from membership

3 (1) A councillor is disqualified from election as, and from...

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Tenure of office etc.

- 4 (1) A member of a Licensing Board—

Removal of members from office

- 5 The relevant council may remove a member from office if...

Convener

- 6 (1) A Licensing Board must, at their first meeting after...

Removal of convener

- 7 (1) The convener of a Licensing Board may be removed...

Administrative support

- 8 (1) In relation to each Licensing Board, the relevant council...

Committees

- 9 A Licensing Board may establish committees for or in connection...

Delegation of functions

- 10 (1) A Licensing Board may authorise (whether generally or specifically)
—...

Training of members

- 11 (1) Each member of a Licensing Board must, no later...

Proceedings

- 12 (1) The quorum for a meeting of a Licensing Board...

Validity of proceedings

- 13 The proceedings of a Licensing Board are not affected by—...

Transitional and transitory provision

- 14 (1) Until the end of the day of the first...

SCHEDULE 2 — Local Licensing Forums

Introductory

- 1 In this schedule, “Forum” means a Local Licensing Forum established...

Membership

- 2 (1) A Forum is to consist of such number (being...

Convener

- 3 (1) At their first meeting in each calendar year, a...

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Administrative support

- 4 A council must provide each Forum established by them, or...

Meetings and proceedings

- 5 (1) Each Forum must, in each calendar year, hold at...

SCHEDULE 3 — Premises licences: mandatory conditions

Interpretation

- 1 In this schedule, “the premises” means, in relation to any...

Compliance with the operating plan

- 2 (1) Alcohol is to be sold on the premises only...
3 Any other activity to be carried on in the premises...

The premises manager

- 4 (1) Alcohol is not to be sold on the premises...

Authorisation of sales of alcohol

- 5 Every sale of alcohol made on the premises must be...

Training of staff

- 6 (1) No person (other than a person who holds a...

Pricing of alcohol

- 7 Where the price at which any alcohol sold on the...

Irresponsible drinks promotions

- 8 (1) An irresponsible drinks promotion must not be carried on...

Provision of non-alcoholic drinks

- 9 (1) The conditions specified in this paragraph apply only to...

Payment of annual or recurring fees

- 10 (1) The condition specified in sub-paragraph (2) applies only in...

SCHEDULE 4 — Occasional licences: mandatory conditions

Interpretation

- 1 In this schedule, “the premises” means, in relation to any...

Compliance with licence

- 2 (1) Alcohol may be sold on the premises only in...
3 Any other activity to be carried on in the premises...

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Authorisation of sales of alcohol

- 4 (1) The condition specified in sub-paragraph (2) applies only to...

Voluntary organisations

- 5 (1) The condition specified in sub-paragraph (2) applies only to...

Pricing of alcohol

- 6 Where the price at which any alcohol sold on the...

Irresponsible drinks promotions

- 7 (1) An irresponsible drinks promotion must not be carried on...

Provision of non-alcoholic drinks

- 8 (1) The conditions specified in this paragraph apply only to...

SCHEDULE 5 — Appeals

Part 1 — APPEALS TO THE SHERIFF PRINCIPAL

Part 2 — APPEALS TO THE SHERIFF

SCHEDULE 6 — Modification of enactments

Children and Young Persons Act 1963 (c. 37)

- 1 In section 37(2)(b)(ii) (restriction on persons under 16 taking part...

Countryside (Scotland) Act 1967 (c. 86)

- 2 In section 78(1) (interpretation) of the Countryside (Scotland) Act 1967,...

New Towns (Scotland) Act 1968 (c. 16)

- 3 (1) The New Towns (Scotland) Act 1968 is amended as...

Water (Scotland) Act 1980 (c. 45)

- 4 In section 50(1)(b) (power to require supply by meter to...

Local Government, Planning and Land Act 1980 (c. 65)

- 5 In section 146 (disposal of land by urban development corporation)...

Civic Government (Scotland) Act 1982 (c. 45)

- 6 (1) The Civic Government (Scotland) Act 1982 is amended as...

Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39)

- 7 (1) The Criminal Law (Consolidation) (Scotland) Act 1995 is amended...

Crime and Punishment (Scotland) Act 1997 (c. 48)

- 8 (1) Section 61 (confiscation of alcohol from persons under 18)...

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Scottish Public Services Ombudsman Act 2002 (asp 11)

9 In paragraph 10 of Part 1 of schedule 2 (authorities...

Freedom of Information (Scotland) Act 2002 (asp 13)

10 In paragraph 23 of Part 3 of schedule 1 (local...

SCHEDULE 7 — Repeals

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Licensing (Scotland) Act 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations.

Changes and effects yet to be applied to :

- s. 1 2 applied by [S.I. 2006/1115 art. 3](#)
- s. 1(1) modified by [S.S.I. 2007/545 art. 2](#)
- s. 1(3)(b) text amended by [2010 asp 13 s. 195\(2\)\(a\)](#)
- s. 3(1)(2)(4) applied by [S.I. 2006/1115 art. 3](#)
- s. 4(1) applied by [S.I. 2006/1115 art. 3](#)
- s. 4(2) repealed by [2010 asp 13 Sch. 6 para. 2](#)
- s. 5 applied by [S.I. 2006/1115 art. 3](#)
- s. 6 applied by [S.I. 2006/1115 art. 3](#)
- s. 6(3)(b)(iia) inserted by [2010 asp 18 s. 11\(2\)\(a\)\(ii\)](#)
- s. 6(3)(b) text amended by [2010 asp 18 s. 11\(2\)\(a\)\(i\)](#)
- s. 6(3A) inserted by [2010 asp 18 s. 9](#)
- s. 6(5) text amended by [2010 asp 18 s. 11\(2\)\(b\)\(i\)](#)
- s. 6(5)(aa) inserted by [2010 asp 18 s. 11\(2\)\(b\)\(ii\)](#)
- s. 7 applied by [S.I. 2006/1115 art. 3](#)
- s. 7(4)(aa) inserted by [2010 asp 18 s. 11\(3\)](#)
- s. 8 applied by [S.I. 2006/1115 art. 3](#)
- s. 10 applied by [S.I. 2006/1115 art. 3](#)
- s. 15 title text amended by [2010 asp 13 s. 197\(2\)](#)
- s. 15(2) text amended by [2010 asp 13 s. 197\(3\)\(a\)](#)
- s. 15(2)(c)(d) inserted by [2010 asp 13 s. 197\(3\)\(b\)](#)
- s. 15(3) text amended by [2010 asp 13 s. 197\(4\)\(a\)](#)
- s. 15(3)(b) text amended by [2010 asp 13 s. 197\(4\)\(b\)](#)
- s. 15(4A)-(4C) inserted by [2010 asp 13 s. 197\(5\)](#)
- s. 15(7)-(10) inserted by [2010 asp 13 s. 197\(6\)](#)
- s. 19(2) modified by [S.S.I. 2007/545 art. 4](#)
- s. 20(2)(b)(iia) inserted by [2010 asp 13 s. 179\(2\)\(b\)](#)
- s. 20(2)(b) text amended by [2010 asp 13 s. 179\(2\)\(a\)](#)
- s. 20(2)(b)(ii) modified by [S.S.I. 2007/545 art. 5](#)
- s. 20(6)(7) inserted by [2010 asp 13 s. 179\(3\)](#)
- s. 21(1)(ca) inserted by [2010 asp 18 s. 11\(4\)](#)
- s. 21(2) substituted by [2010 asp 13 s. 180\(2\)](#)
- s. 21(3) text amended by [2010 asp 13 s. 180\(3\)\(a\)](#)
- s. 21(3)(b) repealed by [2010 asp 13 s. 180\(3\)\(b\)](#)
- s. 21(5) applied by [S.S.I. 2007/454 art. 10\(4\)](#)
- s. 21(5) repealed by [2010 asp 13 Sch. 6 para. 3](#)
- s. 21(6) text amended by [2010 asp 13 s. 180\(4\)](#)
- s. 22(2) repealed by [2010 asp 13 Sch. 6 para. 4](#)
- s. 22(2A) inserted by [2010 asp 13 s. 183\(2\)](#)
- s. 23(6) substituted by [2010 asp 13 Sch. 6 para. 5](#)
- s. 23(7)(b) text amended by [2010 asp 13 s. 181](#)
- s. 24(3) modified by [S.S.I. 2007/513 reg. 3](#)
- s. 24(8)(b) text amended by [2010 asp 13 Sch. 6 para. 6\(2\)](#)
- s. 24(10) substituted by [2010 asp 13 Sch. 6 para. 6\(3\)](#)
- s. 26(3) inserted by [2010 asp 13 s. 187\(2\)](#)
- s. 27(2)(a) text amended by [2010 asp 18 s. 7\(2\)](#)
- s. 27(2)(b) text amended by [2010 asp 18 s. 7\(3\)](#)
- s. 33(7)-(9) substituted by [2010 asp 13 Sch. 6 para. 7\(2\)](#)
- s. 33(10)(a) text amended by [2010 asp 13 Sch. 6 para. 7\(3\)](#)
- s. 38(3)-(6) applied (with modifications) by [S.S.I. 2007/454 art. 17\(9\)](#)
- s. 43(3) modified by [S.S.I. 2007/513 reg. 3](#)
- s. 44(5)(b) text amended by [2010 asp 13 Sch. 6 para. 8](#)

- s. 45(6) text amended by 2010 asp 13 s. 185
- s. 47(4A) inserted by 2010 asp 13 s. 187(3)
- s. 48(1) text amended by 2010 asp 13 s. 184(3)(a)(i)
- s. 48(1)(c) and word inserted by 2010 asp 13 s. 184(3)(a)(ii)
- s. 48(2A) inserted by 2010 asp 13 s. 184(3)(b)
- s. 49(2A) inserted by 2010 asp 13 s. 187(4)
- s. 50(3)(a) text amended by S.S.I. 2009/256 art. 4(2)(a)
- s. 50(5)(a) text amended by S.S.I. 2009/256 art. 4(2)(b)
- s. 50(7) text amended by 2010 asp 13 s. 186(2)
- s. 50(7A) text amended by 2010 asp 13 s. 186(3)
- s. 50(8)(c) text amended by 2010 asp 13 s. 186(4)
- s. 56(6A)-(6C) inserted by 2010 asp 18 s. 13(2)
- s. 56(10) inserted by 2010 asp 13 s. 187(5)
- s. 57(2) repealed by 2010 asp 13 Sch. 6 para. 9
- s. 57(4)(5) added by 2010 asp 13 s. 189(2)
- s. 59(2) text amended by 2010 asp 18 s. 13(3)(a)
- s. 59(2)(a) repealed by 2010 asp 13 Sch. 6 para. 10(2)
- s. 59(6)(b) text amended by 2010 asp 18 s. 13(3)(b)
- s. 59(7) repealed by 2010 asp 13 Sch. 6 para. 10(3)
- s. 60(2)(a) text amended by 2010 asp 18 s. 8(2)(a)
- s. 60(2)(b) text amended by 2010 asp 18 s. 8(2)(b)
- s. 63(2)(f) text amended by 2010 asp 13 s. 188(2)
- s. 69(2) text amended by 2010 asp 13 Sch. 6 para. 11
- s. 69(4)-(6) added by 2010 asp 13 s. 190(2)
- s. 73(4) substituted by 2010 asp 13 Sch. 6 para. 12
- s. 74(2) text amended by 2010 asp 13 s. 192(2)(a)(i)
- s. 74(2)(c)-(e) added by 2010 asp 13 s. 192(2)(a)(ii)
- s. 74(3) text amended by 2010 asp 13 s. 192(2)(b)(i)
- s. 74(3)(ba) inserted by 2010 asp 13 s. 192(2)(b)(ii)
- s. 74(5)(b) substituted by 2010 asp 13 Sch. 6 para. 13(2)
- s. 74(5A)(5B) inserted by 2010 asp 13 Sch. 6 para. 13(3)
- s. 74(6) text amended by 2010 asp 13 Sch. 6 para. 13(4)(a)
- s. 74(6)(a) text amended by 2010 asp 13 Sch. 6 para. 13(4)(b)
- s. 74(7)(8) inserted by 2010 asp 13 s. 192(2)(c)
- s. 75(2) modified by S.S.I. 2007/513 reg. 3
- s. 75(7)(b) text amended by 2010 asp 13 Sch. 6 para. 14(2)
- s. 75(9) text amended by 2010 asp 13 Sch. 6 para. 14(3)(a)
- s. 75(9)(c) and word added by 2010 asp 13 Sch. 6 para. 14(3)(b)
- s. 76(4)-(7) added by 2010 asp 13 s. 192(3)
- s. 77 modified by S.S.I. 2007/454 art. 23
- s. 82(2) modified by S.S.I. 2007/513 reg. 3
- s. 83(5)(b) text amended by 2010 asp 13 Sch. 6 para. 15(2)
- s. 83(8)(c) text amended by 2010 asp 13 Sch. 6 para. 15(3)
- s. 92(3A)-(3F) inserted by 2010 asp 13 s. 192(4)
- s. 94-96 modified by S.S.I. 2007/454 art. 26(2)(3)
- s. 95(6) modified by S.S.I. 2007/454 art. 26(4)
- s. 96(2A) inserted by 2010 asp 13 s. 24(4)
- s. 97(2) text amended by 2010 asp 13 s. 193(2)(a)
- s. 97(4) text amended by 2010 asp 13 s. 193(2)(b)
- s. 98(1) text amended by 2010 asp 13 s. 193(3)(a)(i)(ii)
- s. 98(2) text amended by 2010 asp 13 s. 193(3)(b)(i)(ii)
- s. 99(1) text amended by 2010 asp 13 s. 193(4)(a)
- s. 99(1)(b) text amended by 2010 asp 13 s. 193(4)(b)
- s. 103(1) text amended by 2010 asp 13 s. 195(2)(b)
- s. 105(2) modified by S.S.I. 2006/239 art. 3
- s. 106(2) text amended by 2010 asp 13 s. 195(2)(c)
- s. 107(1) text amended by 2010 asp 13 s. 195(2)(d)
- s. 117(1) text amended by 2010 asp 13 s. 188(3)

- s. 118(1) text amended by 2010 asp 13 s. 195(2)(e)
- s. 120(2)(3) text amended by 2010 asp 13 s. 195(2)(f)
- s. 121(1) text amended by 2010 asp 13 s. 195(2)(g)
- s. 122(2) modified by S.S.I. 2007/545 art. 3
- s. 127(4) text amended by 2010 asp 13 s. 195(2)(h)
- s. 128(5) text amended by 2010 asp 13 s. 195(2)(i)
- s. 129(5)(6) added by 2010 asp 13 s. 24(5)
- s. 131 modified by S.S.I. 2007/454 art. 17(10)
- s. 131(2) text amended by 2010 asp 13 s. 194
- s. 132 modified by S.S.I. 2007/454 art. 17(10)
- s. 146(4)(b) text amended by 2010 asp 18 s. 8(3)(a)
- s. 146(4)(b) text amended by 2010 asp 18 s. 10(2)
- s. 146(5)(b) text amended by 2010 asp 18 s. 8(3)(b)
- s. 146(5)(b) text amended by 2010 asp 18 s. 10(2)
- s. 147(1) text amended by 2010 asp 18 s. 11(5)
- s. 147(5) inserted by 2010 asp 13 s. 184(4)
- s. 148 table text amended by 2010 asp 13 s. 184(5)
- s. 148 table text amended by 2010 asp 13 Sch. 6 para. 17
- s. 148 text amended by 2010 asp 18 s. 11(6)
- Sch. 1 para. 1-3 applied by S.I. 2006/1115 art. 3
- Sch. 1 para. 4(2)(3) applied by S.I. 2006/1115 art. 3
- Sch. 1 para. 5(1)(3) applied by S.I. 2006/1115 art. 3
- Sch. 1 para. 6-11 applied by S.I. 2006/1115 art. 3
- Sch. 1 para. 11(3) restricted by S.S.I. 2007/128 art. 4
- Sch. 1 para. 10(4) text amended by 2010 asp 13 s. 189(3)
- Sch. 1 para. 10(4) text amended by 2010 asp 13 Sch. 6 para. 18
- Sch. 2 para. 2(3) excluded by S.S.I. 2007/128 art. 5(1)
- Sch. 2 para. 5(1) excluded by S.S.I. 2007/128 art. 5(2)
- Sch. 2 para. 2(3A) inserted by 2010 asp 18 s. 11(7)
- Sch. 2 para. 2(1) text amended by S.S.I. 2011/130 art. 2
- Sch. 3 para. 13(2)(c)(d) added by 2010 asp 18 s. 5(4)(b)
- Sch. 3 para. 13(4) added by 2010 asp 18 s. 5(5)
- Sch. 3 para. 6B inserted by 2010 asp 18 s. 2(2)
- Sch. 3 para. 7A inserted by 2010 asp 18 s. 3(3)
- Sch. 3 para. 9A inserted by 2010 asp 18 s. 6(2)
- Sch. 3 para. 13(1A)-(1D) inserted by 2010 asp 18 s. 5(3)
- Sch. 3 para. 13(2A) inserted by 2010 asp 18 s. 5(4)(c)
- Sch. 3 para. 11 12 inserted by S.S.I. 2007/457 reg. 2
- Sch. 3 para. 6(2A)(2B) inserted by S.S.I. 2007/546 reg. 2
- Sch. 3 para. 13 inserted by S.S.I. 2007/546 reg. 3
- Sch. 3 para. 13(3) inserted by S.S.I. 2009/270 art. 2(3)
- Sch. 3 para. 7 text amended by 2010 asp 18 s. 3(2)
- Sch. 3 para. 8(3) text amended by 2010 asp 18 s. 4(2)
- Sch. 3 para. 13 cross-heading text amended by 2010 asp 18 s. 5(2)
- Sch. 3 para. 13(2) text amended by 2010 asp 18 s. 5(4)(a)
- Sch. 3 para. 13(1) text amended by S.S.I. 2009/270 art. 2(2)
- Sch. 4 para. 5B inserted by 2010 asp 18 s. 2(3)
- Sch. 4 para. 6A inserted by 2010 asp 18 s. 3(5)
- Sch. 4 para. 9 inserted by 2010 asp 18 s. 6(3)
- Sch. 4 para. 6 text amended by 2010 asp 18 s. 3(4)
- Sch. 4 para. 7(3) text amended by 2010 asp 18 s. 4(3)

Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:

- Act applied (with modifications) by S.S.I. 2009/277 art. 7
- Act power to modify conferred by 2010 asp 18 s. 15(1)(c)(i)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 12A inserted by 2010 asp 18 s. 12
- s. 24A inserted by 2010 asp 13 s. 183(3)
- s. 27A inserted by 2010 asp 18 s. 10(1)
- s. 39A inserted by 2010 asp 13 s. 182(2)
- s. 40A inserted by 2010 asp 13 s. 184(2)
- s. 70A inserted by 2010 asp 13 s. 191
- s. 84A inserted by 2010 asp 13 Sch. 6 para. 16
- s. 134A inserted by 2010 asp 13 s. 196
- s. 141A 141B inserted by 2010 asp 13 s. 195(3)
- specified purposes Appointed Day(s) by S.S.I. 2007/128 art. 2 (Day appointed for purposes of s. 6(7)(a))

Commencement Orders yet to be applied to the Licensing (Scotland) Act 2005:**Commencement Orders bringing provisions within this Act into force:**

- S.I. 2008/292 art. 2 commences (2005 asp 16)
- S.S.I. 2006/239 art. 2 commences (2005 asp 16)
- S.S.I. 2006/286 art. 2 commences (2005 asp 16)
- S.S.I. 2007/129 art. 2 3 Sch. commences (2005 asp 16)
- S.S.I. 2007/472 arts. 2 3 Sch. 1 2 commences (2005 asp 16)

Commencement Orders bringing legislation that affects this Act into force:

- S.S.I. 2010/413 art. 2 Sch. commences (2010 asp 13)
- S.S.I. 2011/149 art. 2(1) commences (2010 asp 8)
- S.S.I. 2011/178 art. 2 commences (2010 asp 13)
- S.S.I. 2011/354 art. 3 commences (2010 asp 13)
- S.S.I. 2011/366 art. 2 amendment to earlier commencing SSI 2011/354