Licensing (Scotland) Act 2005

2005 asp 16

PART 3 S

PREMISES LICENCES

Conditions of premises licence

27 Conditions of premises licence S

(1) Except to the extent that schedule 3 provides otherwise, every premises licence is subject to the conditions specified in that schedule.

(2) The Scottish Ministers may by regulations modify schedule 3 so as—

(a) to add **[**[F1], delete or amend a condition**]** as they consider necessary or expedient for the purposes of any of the licensing objectives, or

(b) to extend the application of any condition **[**[F2]for the time being**]** specified in the schedule.

(3) The Scottish Ministers must by regulations prescribe further conditions which Licensing Boards must impose on the granting by them of premises licences falling within subsection (4).

(4) A premises licence falls within this subsection if the operating plan for the premises to which the licence relates specifies that the premises will, on any occasion, be open for a continuous period beginning on one day and ending after 1am on the following day.

(5) The Scottish Ministers may by regulations prescribe further conditions as conditions which Licensing Boards may, at their discretion, impose on the granting by them of premises licences.

(6) Without prejudice to subsection (5), where a Licensing Board grants a premises licence, the Board may impose such other conditions (in addition to those to which the licence is subject by virtue of subsection (1) or (3)) as they consider necessary or expedient for the purposes of any of the licensing objectives.

(7) A Licensing Board may not impose a condition under subsection (6) which—

(a) is inconsistent with any condition—

(i) to which the premises licence is subject by virtue of subsection (1), or

(ii) prescribed under subsection (5),

(b) would have the effect of making any such condition more onerous or more restrictive, or

(c) relates to a matter (such as planning, building control or food hygiene) which is regulated under another enactment.

(8) The conditions which may be—

(a) added under subsection (2)(a),

(b) prescribed under subsection (5), or

(c) imposed under subsection (6),

include, in particular, conditions of the kind described in subsection (9).

(9) Those are conditions requiring anything to be done, or prohibiting or restricting the doing of anything, in connection with—

(a) the sale of alcohol on the premises in respect of which a premises licence has effect, or

(b) any other activity carried on in such premises.

(10) Where, under any provision of this Act, a Licensing Board has power to make a variation of the conditions to which a premises licence is subject, the power may not be exercised so as to have the effect of imposing a condition which the Board could not have imposed under this section on the granting of the licence.

Textual Amendments

F1 Words in s. 27(2)(a) substituted (1.10.2011) by Alcohol etc. (Scotland) Act 2010 (asp 18), **ss. 7(2)**, 18(1) (with s. 16); S.S.I. 2011/149, art. 2, Sch.

F2 Words in s. 27(2)(b) inserted (1.10.2011) by Alcohol etc. (Scotland) Act 2010 (asp 18), **ss. 7(3)**, 18(1) (with s. 16); S.S.I. 2011/149, art. 2, Sch.

Commencement Information

I1 S. 27 in force at 1.2.2008 by S.S.I. 2007/472, art. 2, **Sch. 1**

[F3 27A Power of Board to vary premises licence conditions S

(1) A Licensing Board may, in relation to any prescribed matter, make a variation of the conditions to which a premises licence in respect of licensed premises within its area is subject.

(2) The Scottish Ministers may not, under subsection (1), prescribe the age at which persons aged 18 or over may purchase alcohol as a matter in respect of which the conditions to which a premises licence is subject may be varied under this section.

(3) A variation under subsection (1) may apply to—

(a) all licensed premises,

(b) particular licensed premises,

(c) licensed premises within particular parts of its area, or

(d) licensed premises of a particular description.

(4) A variation under subsection (1) has effect for such period as the Board may specify in it.

Changes to legislation: *Licensing (Scotland) Act 2005, Cross Heading: Conditions of premises licence is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) The Board may make a variation under subsection (1) only where it is satisfied that the variation is necessary or expedient for the purposes of any of the licensing objectives.

(6) Before making a variation under subsection (1), the Board must—

(a) publish, in the prescribed manner, notice of the proposed variation, and

(b) give notice of the proposed variation to—

(i) the persons mentioned in section 21(1)(b), (c), (ca), (d) and (e), and

(ii) the holders of premises licences in respect of premises to which the proposed variation would apply.

(7) A notice under subsection (6) must state that any person may, by notice to the Licensing Board, make representations to the Board concerning the proposed variation before such date as the Board specifies in the notice under subsection (6).

(8) If the Board receives any representations before the date specified, the Board—

(a) must hold a hearing in relation to the proposed variation, and

(b) may give such persons who have made representations as the Board considers appropriate an opportunity to be heard at the hearing.

(9) Where a Licensing Board makes a variation under subsection (1), the Board must—

(a) amend the premises licence,

(b) within the period of one month, give notice of the variation to—

(i) the **[**[F4]chief constable**]**, and

(ii) the holders of premises licences in respect of premises to which the variation applies,

(c) send a copy of the variation to the address of the premises to which the variation applies, and

(d) publicise the variation in such manner as the Board thinks fit.

(10) A variation under subsection (1) does not have effect unless notice under subsection (9)(b)(ii) has been given.

(11) In subsection (1), the power to make a variation of the conditions to which a premises licence is subject includes—

(a) a power to make a revocation of such a variation in the same manner and subject to the same conditions, duties and limitations as the variation, and

(b) a power to make a variation (or a revocation of a variation) of the conditions to which a provisional premises licence is subject.**]**

Textual Amendments

F3 S. 27A inserted (1.10.2011) by Alcohol etc. (Scotland) Act 2010 (asp 18), **ss. 10(1)**, 18(1) (with s. 16); S.S.I. 2011/149, art. 2, Sch.

F4 Words in s. 27A(9)(b)(i) substituted (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), sch. 7 para. 29(2), **(3)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

Changes to legislation:
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View outstanding changes

Changes and effects yet to be applied to :

– specified provision(s) Appointed Day(s) by S.S.I. 2006/239 art. 2 (This S.S.I. is revoked on 25.5.2006 by S.S.I. 2006/286, art. 6)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

– s. 33(1)(1A) substituted for s. 33(1)-(3) by 2015 asp 10 s. 49(2)(a)
– s. 33(8)(za) inserted by 2015 asp 10 s. 49(2)(c)
– s. 33(8A) inserted by 2015 asp 10 s. 49(2)(d)
– s. 33A inserted by 2015 asp 10 s. 49(4)
– s. 134ZA-134ZC inserted by 2015 asp 10 s. 61(2)