

Status: This version of this schedule contains provisions that are prospective.

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)

PROSPECTIVE

SCHEDULE 3

(introduced by section 27(1))

PREMISES LICENCES: MANDATORY CONDITIONS

Interpretation

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

Compliance with the operating plan

- 2 (1) Alcohol is to be sold on the premises only in accordance with the operating plan contained in the licence.
- (2) Nothing in sub-paragraph (1) is to be read as preventing or restricting the doing of anything referred to in section 63(2).
- 3 Any other activity to be carried on in the premises is to be carried on only in accordance with the operating plan contained in the licence.

The premises manager

- 4 (1) Alcohol is not to be sold on the premises at any time when—
- (a) there is no premises manager in respect of the premises,
 - (b) the premises manager does not hold a personal licence,
 - (c) the personal licence held by the premises manager is suspended, or
 - (d) the licensing qualification held by the premises manager is not the appropriate licensing qualification in relation to the premises.
- (2) In sub-paragraph (1), “appropriate licensing qualification” in relation to any licensed premises means any licensing qualification prescribed as such in relation to licensed premises of that description in regulations under section 91(2)(d).
- (3) Nothing in sub-paragraph (1) or paragraph 5 is to be read as requiring the premises manager to be present on the premises at the time any sale of alcohol is made.

Authorisation of sales of alcohol

- 5 Every sale of alcohol made on the premises must be authorised (whether generally or specifically) by—
- (a) the premises manager, or
 - (b) another person who holds a personal licence.

Training of staff

- 6 (1) No person (other than a person who holds a personal licence) is to work in the premises in the capacity mentioned in sub-paragraph (2) unless that person has

Status: This version of this schedule contains provisions that are prospective.

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)

complied with such requirements as to the training of staff as may be prescribed for the purposes of this paragraph.

- (2) That is a capacity (whether paid or unpaid) which involves the person—
- (a) making sales of alcohol, or
 - (b) where alcohol is sold on the premises for consumption on the premises, serving such alcohol to any person.
- (3) Regulations under sub-paragraph (1) prescribing training requirements may, in particular—
- (a) provide for the accreditation by the Scottish Ministers of—
 - (i) courses of training, and
 - (ii) persons providing such courses,
 for the purposes of the regulations,
 - (b) prescribe different training requirements in relation to different descriptions of persons,
 - (c) require that any person providing training or any particular description of training in accordance with the regulations hold a personal licence or such other qualification as may be prescribed in the regulations, and
 - (d) require training to be undergone again at such intervals as may be prescribed in the regulations.

Pricing of alcohol

- 7 Where the price at which any alcohol sold on the premises is varied—
- (a) the variation (referred to in this paragraph as “the earlier price variation”) may be brought into effect only at the beginning of a period of licensed hours, and
 - (b) no further variation of the price at which that or any other alcohol is sold on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of the earlier price variation.

Irresponsible drinks promotions

- 8 (1) An irresponsible drinks promotion must not be carried on in or in connection with the premises.
- (2) Subject to sub-paragraph (3), a drinks promotion is irresponsible if it—
- (a) relates specifically to an alcoholic drink likely to appeal largely to persons under the age of 18,
 - (b) involves the supply of an alcoholic drink free of charge or at a reduced price on the purchase of one or more drinks (whether or not alcoholic drinks),
 - (c) involves the supply free of charge or at a reduced price of one or more extra measures of an alcoholic drink on the purchase of one or more measures of the drink,
 - (d) involves the supply of unlimited amounts of alcohol for a fixed charge (including any charge for entry to the premises),
 - (e) encourages, or seeks to encourage, a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume,
 - (f) is based on the strength of any alcohol,

Status: This version of this schedule contains provisions that are prospective.

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)

- (g) rewards or encourages, or seeks to reward or encourage, drinking alcohol quickly, or
- (h) offers alcohol as a reward or prize, unless the alcohol is in a sealed container and consumed off the premises.

(3) Paragraphs (b) to (d) of sub-paragraph (2) apply only to a drinks promotion carried on in relation to alcohol sold for consumption on the premises.

(4) The Scottish Ministers may by regulations modify sub-paragraph (2) or (3) so as to—

- (a) add further descriptions of drinks promotions,
- (b) modify any of the descriptions of drinks promotions for the time being listed in it, or
- (c) extend or restrict the application of any of those descriptions of drinks promotions.

(5) In this paragraph, “drinks promotion” means, in relation to any premises, any activity which promotes, or seeks to promote, the buying or consumption of any alcohol on the premises.

Provision of non-alcoholic drinks

9 (1) The conditions specified in this paragraph apply only to the extent that the premises licence authorises the sale of alcohol for consumption on the premises.

(2) Tap water fit for drinking must be provided free of charge on request.

(3) Other non-alcoholic drinks must be available for purchase at a reasonable price.

Payment of annual or recurring fees

10 (1) The condition specified in sub-paragraph (2) applies only in relation to a premises licence in respect of which an annual or other recurring fee is to be paid by virtue of regulations under section 136(1).

(2) The fee must be paid as required by the regulations.

Status:

This version of this schedule contains provisions that are prospective.

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 :

- 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)

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