



Air Weapons and Licensing (Scotland) Act 2015

2015 asp 10

PART 2

ALCOHOL LICENSING

Transfer of premises licences

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- (1) The 2005 Act is amended as follows.
- (2) In section 33 (transfer of premises licence on application of licence holder)—
 - (a) for subsections (1) to (3) substitute—

“(1) Any person, other than an individual under the age of 18, may apply to the appropriate Licensing Board for the transfer of a premises licence to the person (such person being referred to in this section and section 33A as the “transferee”).
 - (1A) An application under subsection (1) must—
 - (a) specify the date on which the transfer is to take effect, and
 - (b) be accompanied by—
 - (i) the premises licence to which the application relates or, if that is not practicable, a statement of the reasons for failure to produce the licence, and
 - (ii) a written statement signed by the holder of the premises licence consenting to its transfer to the transferee (a “consent statement”) or, if that is not practicable, a statement of the reasons for failure to obtain the licence holder’s written consent.”,
 - (b) in subsection (4), after “constable” insert “, unless the Board must refuse the application under subsection (8A)”,
 - (c) in subsection (8), before paragraph (a) insert—

Status: This is the original version (as it was originally enacted).

“(za) the application is accompanied by a consent statement referred to in subsection (1A)(b)(ii),”

(d) after subsection (8) insert—

“(8A) If the application is not accompanied by a consent statement referred to in subsection (1A)(b)(ii), the Board must refuse the application, unless the Board dispenses with the requirement for a consent statement under section 33A(4).”

(3) The title of section 33 becomes “**Application for transfer of premises licence**”.

(4) After section 33 insert—

“33A Application for transfer: further provision

(1) This section applies where a Licensing Board receives an application under section 33(1) for the transfer of a premises licence.

(2) The Board must take all reasonable steps to give notice of the application to the premises licence holder.

(3) Subsection (4) applies where the application is not accompanied by a consent statement referred to in section 33(1A)(b)(ii).

(4) The Board may dispense with the requirement for a consent statement if satisfied that the transferee has taken all reasonable steps to contact the premises licence holder in order to obtain consent but has received no response.

(5) Where the Board decides under subsection (4) not to dispense with the requirement for a consent statement, the Board must give notice of the decision, and of the reasons for it, to the transferee.

(6) Where the Board decides under subsection (4) to dispense with the requirement for a consent statement the Board must hold a hearing under section 33(9) for the purpose of considering and determining the application.

(7) Where the Board grants the application, the transfer of the licence takes effect

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(a) on the date specified in the application in accordance with section 33(1A)(a), or

(b) where the Board grants the application after that date, on such date as the Board may determine.”

(5) Section 34 (transfer on application of person other than licence holder) is repealed.

(6) In Part 1 of schedule 5 (appeals to the sheriff principal)—

(a) in column 1 of the entry relating to a decision to refuse an application under section 33(1) or 34(1) for transfer of a premises licence, the words “or 34(1)” are repealed,

(b) in column 2 of that entry, after “applicant” insert “or the premises licence holder”,

(c) after that entry insert—

Status: This is the original version (as it was originally enacted).

“A decision to grant an application under section 33(1) for transfer of a premises licence	The person from whom the premises licence is to be transferred
A decision under section 33A(4), in relation to an application under section 33(1) for transfer of a premises licence, not to dispense with the requirement for a consent statement	The applicant”.
