



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 9

#### MISCELLANEOUS AND GENERAL

##### *Vessels, vehicles and moveable structures*

#### **126 Vessels, vehicles and moveable structures**

- (1) A vessel which is not permanently moored or berthed is to be treated for the purposes of this Act as premises situated in the place where it is usually moored or berthed.
- (2) Where a vehicle or moveable structure which is not permanently situated in any place is, or is to be, used for the sale of alcohol while parked at or set in any place—
  - (a) it is to be treated for the purposes of this Act as premises situated at that place, and
  - (b) each such place at which it is, or is to be, so used is to be treated as separate premises.
- (3) The following provisions of Part 3 (which relate to the provision of certificates as to planning, building standards and food hygiene and to notifications of applications) do not apply in relation to premises (other than exempt premises) consisting of a vessel, namely—
  - (a) section 20(2)(b)(iii),
  - (b) section 21(1)(a) and (e),
  - (c) section 29(4) (so far as it applies section 21(1)(a) and (e)),
  - (d) section 45(10)(a),
  - (e) section 46(2)(d), and
  - (f) section 50.
- (4) This Act applies in relation to premises consisting of a vehicle or other moveable structure which is, or is to be, used for the sale of alcohol while not parked or permanently situated in any place (referred to in this section as “moving premises”) subject to the modifications in subsections (5) to (9).

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*Status: This is the original version (as it was originally enacted).*

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- (5) Section 18 does not apply and instead, in Part 3 and this section, “appropriate Licensing Board” means in relation to moving premises or a premises licence or occasional licence issued in respect of such premises—
- (a) the Licensing Board in whose area the premises are used or to be used for the sale of alcohol, or
  - (b) where the premises are used or to be used in the area of more than one Licensing Board—
    - (i) the Board in whose area they are used or to be used to the greater or greatest extent, or
    - (ii) if neither or none of those Boards falls within sub-paragraph (i), such of those Boards as is, in the application for a premises licence or, as the case may be, occasional licence in respect of the premises, nominated as the appropriate Licensing Board in respect of the premises.
- (6) The following provisions of Part 3 do not apply in relation to moving premises, namely—
- (a) section 20(2)(b)(iii),
  - (b) section 21(1)(a), (b), and (e),
  - (c) section 29(4) (so far as it applies section 21(1)(a), (b) and (e)),
  - (d) section 45(10)(a),
  - (e) section 46(2)(d), and
  - (f) section 50.
- (7) Section 21(1) applies in relation to moving premises as if for paragraph (c) there were substituted—
- “(c) the relevant council.”.
- (8) References to the locality in which premises are situated are, in relation to moving premises, to be taken as references to the area of the appropriate Licensing Board.
- (9) For the purposes of Part 4, moving premises are to be treated as premises situated within the area of the appropriate Licensing Board.
- (10) The Scottish Ministers may by regulations provide for this Act to apply in relation to vessels, vehicles and moveable structures subject to such further modifications as they consider necessary or expedient.