



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 3

#### PREMISES LICENCES

##### *Duration of premises licence*

#### **28 Period of effect of premises licence**

- (1) A premises licence—
  - (a) takes effect on such date as the Licensing Board issuing it may determine, and
  - (b) ceases to have effect on the occurrence of any of the events mentioned in subsection (5).
- (2) However, a premises licence is not to be taken to have ceased to have effect under subsection (1)(b) by virtue of the occurrence of any of the events mentioned in paragraphs (c) to (e) of subsection (5) if, within 28 days of the occurrence of the event, an application for the transfer of the licence is made under section 34(1).
- (3) If such an application is made but refused, the premises licence ceases to have effect on the refusal.
- (4) A premises licence does not have effect for any period during which it is suspended by virtue of any provision of this Act.
- (5) The events referred to in subsection (1)(b) are—
  - (a) the premises licence is revoked under any provision of this Act,
  - (b) the licensed premises in respect of which the licence was issued cease to be used for the sale of alcohol,
  - (c) the premises licence holder, being an individual—
    - (i) dies, or
    - (ii) becomes incapable within the meaning of section 1(6) of the Adults with Incapacity (Scotland) Act 2000 (asp 4),
  - (d) the premises licence holder, being an individual, a partnership or a company, becomes insolvent,

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*Status: This is the original version (as it was originally enacted).*

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- (e) the premises licence holder, being a person other than an individual, a partnership or a company, is dissolved, and
  - (f) the appropriate Licensing Board receives from the premises licence holder a notice under subsection (6).
- (6) That is a notice—
- (a) accompanied by the premises licence, or where that is not practicable, by a statement of reasons for failure to produce the licence, and
  - (b) stating that the licence holder wishes to surrender the licence.
- (7) For the purposes of subsection (5)(d)—
- (a) an individual or partnership becomes insolvent on—
    - (i) the approval of a voluntary arrangement proposed by the individual or partnership,
    - (ii) being adjudged bankrupt,
    - (iii) the individual's or partnership's estate being sequestrated,
    - (iv) entering into a deed of arrangement made for the benefit of creditors, or
    - (v) granting a trust deed for creditors, and
  - (b) a company becomes insolvent on—
    - (i) the approval of a voluntary arrangement proposed by its creditors,
    - (ii) the appointment of an administrator or administrative receiver in respect of it, or
    - (iii) going into liquidation.
- (8) An expression used in subsection (7) which is also used in the Bankruptcy (Scotland) Act 1985 (c. 66) or the Insolvency Act 1986 (c. 45) has the same meaning in that subsection as it has in that Act.