SCOTTISH STATUTORY INSTRUMENTS

2004 No. 157

LICENSING (LIQUOR)

The Liquor Licensing (Fees) (Scotland) Order 2004

Made - - - -	*24th March 2004*
Coming into force - -	*5th April 2004*

The Scottish Ministers, in exercise of the powers conferred by sections 8(1) and 135 of the Licensing (Scotland) Act 1976(**1**) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Liquor Licensing (Fees) (Scotland) Order 2004 and shall come into force on 5th April 2004.

(2) In this Order–

"the Act" means the Licensing (Scotland) Act 1976; and

"the 1990 Act" means the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990(**2**).

Fees payable

2. The fee payable by any applicant to a licensing board–

(a) in respect of any matter described in column 1 of Part I of the Schedule to this Order and arising under the provisions of the Act specified in column 2 of that Part shall be the amount specified in the corresponding entry in column 3, instead of the amount, where relevant, specified opposite thereto in column 4(**3**); and

(b) in respect of the matter described in column 1 of Part II of the Schedule to this Order and arising under the provision of the 1990 Act specified in column 2 of that Part shall be the amount specified in the corresponding entry in column 3, instead of the amount specified opposite thereto in column 4(**4**).

(**1**) 1976 c. 66. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland act 1998 (c. 46).

(**2**) 1990 c. 40.

(**3**) The amounts specified in column 4 of Part I of the Schedule to this Order are the fees determined under the Liquor Licensing (Fees) (Scotland) Order 2001 (S.S.I. 2001/125).

(**4**) The amount specified in column 4 of Part II of the Schedule to this Order is the fee determined under the Liquor Licensing (Fees) (Scotland) Order 2001 (S.S.I. 2001/125).

Revocations

3. The Liquor Licensing (Fees) (Scotland) Order 2001(**5**) is hereby revoked.

St Andrew's House, Edinburgh
24th March 2004

CATHY JAMIESON
A member of the Scottish Executive

(**5**) S.S.I. 2001/125.

SCHEDULE Article 2

PART I

Column 1 *Matter to which fee relates*	*Column 2* *Relevant provisions of the Act*	*Column 3* *New Fee* £	*Column 4* *Old Fee* £
(a) Application in respect of a seaman's canteen under Part III of the Act for–			
Licence under Part III	Section 40	172	160
Provisional Licence	Section 41(5)	138	129
Declaration of finality of provisional licence	Section 41(5)	34	32
Renewal of licence	Section 42(2)	86	80
Transfer of licence	Section 43(2)	17	16
Occasional extension of permitted hours	Section 64(1)(**6**)	17	16
Regular extension of permitted hours	Section 64(1)	86	80
(b) Application in respect of a registered club for–			
Occasional licence	Section 33(2)(**7**)	17	16
Declaration of satisfaction with adaptation and use of premises	Section 57(1) or 58(1)	17	16
Occasional extension of permitted hours	Section 64(5)	17	16
Regular extension of permitted hours	Section 64(5)	86	80
Revocation of restriction order	Section 65(5)	34	32

(**6**) Section 64(1) was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40), Schedule 8, paragraph 12.
(**7**) Section 33(2) was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act, Schedule 8, paragraph 9.

Column 1 *Matter to which fee relates*	*Column 2* *Relevant provisions of the Act*	*Column 3* *New Fee* £	*Column 4* *Old Fee* £
(c) (c) Other applications under the Act for–			
Licence under Part II	Section 9	172	160
Provisional grant of licence	Section 26(1) or (2)	138	129
Affirmation of provisional grant of licence	Section 26(2)	34	32
Declaration of finality of provisional grant	Section 26(4)	34	32
Renewal of licence	Section 9 as read with definition of "grant" in section 139(1)	86	80
Duplicate licence	Section 21(2)(**8**)	17	16
Permanent transfer of licence	Section 25(1)(**9**)	112	104
Temporary transfer of licence	Section 25(1A)(**10**)	17	16
Permanent transfer of licence transferred temporarily	Section 25(1B)(**11**)	94	88
Transfer of licence to executors etc.	Section 25(2)	17	16
Endorsement of transferred licence	Section 25(5)	2	2
Substitution in licence of name of another employee or agent	Section 25(3)	17	16
Confirmation of licence transferred under section 25(2) or 25(3)	Section 25(4)(**12**)	58	54
Provisional licence	Section 27	138	129

(**8**) Section 21(2) was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, Schedule 8, paragraph 8.
(**9**) Section 25(1) was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, section 51(2), and the Licensing (Amendment) (Scotland) Act 1992 (c. 18), section 1.
(**10**) Section 25(1A) was substituted by the Licensing (Amendment) (Scotland) Act 1992, section 1(1)(b).
(**11**) Section 25(1B) was substituted by the Licensing (Amendment) (Scotland) Act 1992, section 1(1)(b).
(**12**) Section 25(4) was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, section 51(4).

Column 1 *Matter to which fee relates*	*Column 2* *Relevant provisions of the Act*	*Column 3* *New Fee* *£*	*Column 4* *Old Fee* *£*
Occasional licence	Section 33(1)(**13**)	17	16
Occasional permission	Section 34(1)(**14**)	10	9
Declaration of satisfaction with adaptation and use of premises	Section 57(1) or 58(1) or 59(1)(**15**)	17	16
Occasional extension of permitted hours	Section 64(1)	17	16
Regular extension of permitted hours	Section 64(1)	86	80
Revocation of restriction order	Section 65(5)	34	32
Revocation of Sunday restriction order	Section 65(5) as applied by paragraph 22 of Part II of Schedule 4	34	32
Cancellation of a closure order	Section 32(5)	34	32
Cancellation of suspension order	Section 36(6)	34	32
Consent to reconstruction etc.	Section 35(1)	17	16

PART II

Column 1 *Matter to which fee relates*	*Column 2* *Relevant provisions of the Act*	*Column 3* *New Fee* *£*	*Column 4* *Old Fee* *£*
Application in respect of public house or hotel for Children's certificate	Section 49	86	80

(**13**) Section 33(1) was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, Schedule 8, paragraph 9.
(**14**) Section 34(1) was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, Schedule 8, paragraph 10.
(**15**) Section 59(1) was amended by the Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23), Schedule 4, and the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, section 46(5).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order determines the fees payable from 5th April 2004 by applicants to a licensing board under the Licensing (Scotland) Act 1976 and the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 in respect of the matters listed in the Schedule to the Order. The fees are increased by approximately 7.25 per cent.