

## SCHEDULES

### SCHEDULE 24

Sections 186, 187, 188.

#### AMENDMENT OF ENACTMENTS RELATING TO LICENSING, ETC.

#### PART I

#### AMENDMENT OF LICENSING (SCOTLAND) ACTS 1959 TO 1969

##### *The Licensing (Scotland) Act 1959*

- 1 In section 6 (casual vacancies in licensing courts and courts of appeal), for the word " county " there shall be substituted the words " islands area or district " , and the words " or at a special meeting of the magistrates " shall cease to have effect.
- 2 Section 11 (disqualification of justices not entered in valuation roll) shall cease to have effect.
- 3 In section 13 (membership of new town committee not to disqualify member of licensing court), the words from " or " to " 1949 " shall cease to have effect.
- 4 In section 14 (magistrate or county councillor not disqualified by reason of being justice, and vice versa), for the words " a magistrate or a county councillor", in both places where they occur, there shall be substituted the words " an islands or district councillor ".
- 5 Section 15 (election of town councillor to act for disqualified magistrate) and section 16 (county licensing court may grant certificates where members of burgh licensing court disqualified) shall cease to have effect.
- 6 In section 17 (expenses of members of licensing courts and courts of appeal), in subsection (1), for the words from the beginning to " 1948 " there shall be substituted the words " Sections 45 to 50 of the Local Government (Scotland) Act 1973 " and for the words from " among " onwards there shall be substituted the words " local authorities " ; and in subsection (2), for the words from " county " onwards there shall be substituted the words " islands area or district whose area constitutes or includes the area of the court. ".
- 7 In section 18(2) (general half-yearly meeting of licensing courts), the words from " burgh " to " county " shall cease to have effect.
- 8 For section 20 (place of meeting of licensing courts and courts of appeal), there shall be substituted the following section:—

#### **“20 Place of meeting of licensing courts and courts of appeal.**

The meetings of a licensing court or court of appeal shall be held at such places as the islands or district council may determine, and the council shall publish by advertisement notice of the place of any such meeting.”

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- 9 For section 21 (expenses, etc. of meetings of licensing courts and courts of appeal), there shall be substituted the following section:—

**“21 Expenses, etc. of meetings of licensing courts and courts of appeal.**

The council of every islands area or district shall provide accommodation for the meetings, and otherwise defray any necessary expenses in respect of the proceedings, of any licensing court and of the appeal court having jurisdiction in their area.”

- 10 For section 28 (clerk to licensing courts and courts of appeal), there shall be substituted the following section:—

**“28 Clerk to licensing courts and courts of appeal.**

The clerk of the peace for any area shall be the clerk to every licensing court and court of appeal having jurisdiction within the area.”

- 11 In section 29(1) (fees payable to clerk) the words "or town clerk " shall cease to have effect.

- 12 For section 31 (supplementary and local provisions) there shall be substituted the following section:—

**“31 Determination of population.**

- (1) For the purposes of this Part of this Act, and subject to the provisions of subsection (3) below, " population ", in relation to any licensing area, means the population declared by the order last made under this section relating to that area.
- (2) The Secretary of State shall, before 16th April 1975,
  - (a) obtain from the Registrar General an estimate (made by reference to the estimates prepared by the Registrar General relating to 30th June in the latest year for which such estimates are available) of the population of every islands area and district, and
  - (b) make an order or orders declaring the population of each islands area and district according to such estimate.
- (3) Where the council of any islands area or district, either before or after 16th May 1975, divide their area into licensing divisions in accordance with section 1(2) of this Act, they shall obtain from the Registrar General an estimate (made as aforesaid) of the population of every such division, and the population of any such division shall, until the making of the first order under subsection (4) below relating to that division, be determined according to such estimate.
- (4) As soon as may be after 30th June 1983, and after every tenth year thereafter, the Secretary of State shall
  - (a) obtain from the Registrar General an estimate (made by reference to the estimates prepared by the Registrar General relating to 30th June in 1983 or, as the case may be, the said year in respect of which the estimate is obtained) of the population of each islands area, district and licensing division, and

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- (b) make an order or orders declaring the population of each islands area, district and licensing division according to such estimate.
- (5) An order made under subsection (4) above may prescribe the date or dates on which alterations in the number of members of licensing courts and courts of appeal consequential on any increase or decrease of population shall take effect
- (6) Any order made under this section shall be laid before Parliament.
- (7) In this section " the Registrar General" means the Registrar General of Births, Deaths and Marriages for Scotland.”.
- 13 In section 41 (list of certificate holders), for the words after " printing the list shall" there shall be substituted the words " be defrayed by the council of the islands area or district whose area constitutes or includes the area of the court. ".
- 14 In section 114 (years in which temperance poll may be taken), subsection (1) shall cease to have effect.
- 15 In section 120 (interpretation of Part VIII).
- (i) in the definition of " area "; in paragraph (a), after the words " in the case of " there shall be inserted the words " an area which immediately before 16th May 1975 constituted ", and after the word " any " there shall be inserted the words " area which then constituted a " ; in paragraph (b), for the words " burgh, the whole burgh " there shall be substituted the words " area which then constituted a burgh, the whole of that area " ; and in paragraph (c), after the word " of " there shall be inserted the words " an area which then constituted ";
- (ii) in the definition of " local authority ", for paragraphs (a) and (b) there shall be substituted the words " the council of an islands area or district ";
- (iii) in the definition of " parish ", for the words " burgh or part of a burgh situated therein " there shall be substituted the words " area situated therein which immediately before 16th May 1975 constituted a burgh or part of a burgh ", and after the word " situated " there shall be inserted the words " in an area which was then ".
- 16 In section 168(1) (register of clubs) the words " or other area " shall cease to have effect, after the word " keep" there shall be inserted the words " in every sheriff court district within the sheriffdom ", and for the words after " such " and before " in respect " there shall be substituted the word " district ".
- 17 In section 169 (application by club for certificate of registration), in subsection (3) (c) for the word " aforementioned " there shall be substituted the word " aftermentioned ", in subsection (4) the words from " either " (where it first appears) to " case " shall cease to have effect, and in subsection (5) for the words " magistrate or justice of the peace " there shall be substituted the words " member of a licensing court or court of appeal ".
- 18 In section 171 (procedure on application for grant or renewal of certificate of club registration), in subsection (1), for paragraphs (b) and (c) there shall be substituted the following words:—
- “and
- (b) to the council of the islands area or district within which the premises are situated.”;

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- and in subsection (3), for the words " a town council" there shall be substituted the words " an islands council ".
- 19 In section 175(1) (cancellation of certificate of club registration), the words from " or, if the premises " to " to a magistrate " and the words " or magistrate " shall cease to have effect
- 20 In section 195 (limitation of actions against sheriffs, etc.) the words " town clerk " shall cease to have effect.
- 21 In section 199(1) (interpretation) the definitions of "burgh licensing court " and " county licensing court " shall cease to have effect; in the definition of " licensing area", for the words " any burgh or county " there shall be substituted the words " any islands area or district ", and for the word "district" there shall be substituted the word " division "; in the definition of " licensing court", the words " or two" shall be omitted; and in the definition of " licensing district ", for the word " district" there shall be substituted the word " division " and for the word " two" there shall be substituted the word " one ".
- 22 For Schedule 1 there shall be substituted the following Schedule—

“FIRST  
SCHEDULE

CONSTITUTION OF LICENSING COURTS

Class I	Where population of licensing area is under 75,000. Licensing court— Councillors 3 ; Justices 3 ; total 6.
Class II	Population of or exceeding 75,000 but under 200,000. Licensing court— Councillors 5 ; Justices 5 ; total 10.
Class III	Population of or exceeding 200,000. Licensing court—Councillors 7 ; Justices 7 ; total 14.”

- 23 In Schedule 2 (Forms of certificate), Schedule 4 (Forms for use by clerks to courts) and Schedule 5 (Forms relating to confirmation of certificates), for the words "county [*or* licensing district *or* burgh " there shall be substituted, in every place where they appear, the words " district [*or* islands area or licensing division " ; in Schedule 2, in Forms 1 and 3, the words " parish of                      and " shall cease to have effect, and in Form 2, the words " burgh                      of and " shall cease to have effect; and in Schedule 3, in Form 1, the words " in the parish [*or* burgh] of                      and county of                      " shall cease to have effect.

*The Licensing (Scotland) Act 1962*

- 24 In Schedule 1 (New forms of certificate) in the form of certificate for a restaurant and in the form of restricted hotel certificate, for the words " county [*or* licensing district *or* burgh " there shall be substituted in every place where they appear, the words " district [*or* islands area *or* licensing division " , and the words " parish of                      and " shall cease to have effect.

## PART II

### BETTING, GAMING AND LOTTERIES

#### *The Betting, Gaming and Lotteries Act 1963*

- 25 (1) In Schedule 1 (Bookmaker's permits, betting agency permits and betting office licences), in paragraph 1(b) the words " or 2 " shall cease to have effect.
- (2) In paragraph 2 of that Schedule, in the definition of " appropriate local authority ", for sub-paragraph (b), there shall be substituted the following sub-paragraph—
- “(b) in Scotland,
- (i) where the relevant premises are, or are to be, situated in an islands area, the council for that area ;
- (ii) in any other case, the council for the district within whose area the relevant premises are, or are to be, situated;”.
- 26 In Schedule 2 (Registered pool promoters), in paragraph 1(1)(b), for the words " any county or large burgh " there shall be substituted the words " an islands area or district " ; and paragraph 1(2), (3), (4) and (6) and paragraphs 2 and 3 shall cease to have effect.
- 27 (1) In Schedule 3 (Licensing of tracks for betting), in paragraph 1 for the words " Paragraphs 1, 2 and 3 " there shall be substituted the words " Paragraph 1 ", in head (b) of that paragraph for the words " those paragraphs " there shall be substituted the words " that paragraph , and in head (b) of paragraph 2 the words " or committee " shall cease to have effect."
- (2) In paragraph 5(2)(b) of that Schedule, for sub-heads (i) and (ii), there shall be substituted the following—
- “(i) the council of any islands area or district within which the track or any part thereof is situated; and
- (ii) the general planning authority or district planning authority for any area which includes the track or any part thereof;”;
- and at the end of sub-paragraph (2) there shall be inserted the following words " and for the purposes of this and the next succeeding paragraph "; general planning authority" and " district planning authority " have the meanings conferred on them by section 172 of the Local Government (Scotland) Act 1973."
- (3) For paragraph 6(3) of that Schedule there shall be substituted the following sub-paragraph—
- “(3) The authorities referred to in sub-paragraph (1)(e) of this paragraph are—
- (a) the general planning authority or district planning authority for any area which includes the track or any part thereof;
- (b) the council of any region (not being a general planning authority) which includes the track or any part thereof;
- (c) any other local authority whose area adjoins any district which includes the track or any part thereof,
- where that authority or council are not the licensing authority.”
- 28 In Schedule 6 (Permits under section 49), paragraph 2 shall cease to have effect.

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29 In Schedule 7 (Promotion of small lotteries by registered societies), in paragraph 1(2), for head (b) there shall be substituted the following—

“(b) in Scotland, an islands council or district council.”.

*The Gaming Act 1968*

30 In section 44(3) (local authority not to maintain or contribute to premises licensed under Part II), for the words " a county council, town council" there shall be substituted the words " a regional council, islands council ".

31 In Schedule 2 (Grant, renewal, cancellation and transfer of licences), in paragraph 2(2), in the definition of "the appropriate local authority ", for paragraph (b) there shall be substituted the following—

“(b) in Scotland,

(i) where the relevant premises are, or are to be, situated in an islands area, the council for that area ;

(ii) in any other case, the council for the district within whose area the relevant premises are, or are to be, situated ;”.

32 In Schedule 9 (Permits under section 34), in paragraph 1(d), for the words from "where" to "county" there shall be substituted the words " means the council of the islands area or district " ; and paragraph 2 shall cease to have effect.

### PART III

#### MISCELLANEOUS LICENSING, REGISTRATION AND RELATED MATTERS

*The Cinematograph Act 1909*

33 For the words " a county council" and " the county council ", wherever they occur, there shall be substituted the words " an islands or district council " or " the islands or district council" as the case may be ; in section 7(3), for the word " County ", wherever it occurs, there shall be substituted the words " islands area or district " ; and sections 5 and 8(3) and (4) shall cease to have effect.

*The Performing Animals (Regulation) Act 1925*

34 In section 6(a) (definition of local authority), for the words " a county council or a town council" there shall be substituted the words " an islands or district council " and the words from " and any expenses " onwards shall cease to have effect.

*The Theatrical Employers Registration Act 1925*

35 For subsection (1) of section 14 there shall be substituted the following subsection—

“(1) The expression " registration authority" means the council of an islands area or district.”

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*The Methylated Spirits (Sale by Retail) (Scotland) Act 1937*

- 36 In section 6, in the definition of "local authority", for the words from " in the case of " onwards there shall be substituted the words " an islands or district council " .

*The House to House Collections Act 1939*

- 37 In section 10 (application to Scotland), for paragraph (a) there shall be substituted the following paragraph:—
- “(a) sections 1, 2 and 4 shall apply as if for references to the police authority for the police area comprising a locality and to the chief officer of police of such an area there were substituted respectively references to the islands or district council for the area comprising a locality and to the proper officer of such a council; " and paragraph (e) shall cease to have effect.”

*The War Charities Act 1940*

- 38 In section 12 (application to Scotland), for paragraph (e) there shall be substituted the following paragraph:—
- “(e) section 7 shall apply as if for the words in subsection (1), " a police authority ", there were substituted the words " a regional or islands council " and for the words "the authority " there were substituted the words " the council " ; and as if for the words in subsection (2) " chief officer of police for the police area " there were substituted the words " proper officer of the council of the region or islands area " ;”;
- and in paragraph (g) for the words " county or town council" there shall be substituted the words " regional or islands council " .

*The Pet Animals Act 1951*

- 39 In section 7(3), in the definition of " local authority ", for the words " county or burgh" there shall be substituted the words " islands area or district " .

*The Hypnotism Act 1952*

- 40 In section 2(4)(b) (meaning of controlling authority), for the words " the council of the county or burgh " there shall be substituted the words " the islands or district council for the area " .

*The Animal Boarding Establishments Act 1963*

- 41 In section 5(2) (interpretation), in the definition of " local authority ", for the words " county or burgh " there shall be substituted the words " islands area or district " .

*The Riding Establishments Act 1964*

- 42 In section 6(4), in the definition of " local authority ", for the words " county or any burgh " there shall be substituted the words " islands area or district " .

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*The Local Government (Scotland) Act 1966*

- 43 In section 44 (game licences), for the words " local authorities " in both places where they occur, there shall be substituted the words " islands and district councils ".

*Sale of Venison (Scotland) Act 1968*

- 44 In section 3 (interpretation), for the definition of " local authority ", there shall be substituted the following definition—  
    “" local authority " means an islands or district council;”.

*The Theatres Act 1968*

- 45 In section 15(1) (powers of entry), the words from "and in relation " onwards shall cease to have effect, and in section 18(1) (interpretation), in the definition of " licensing authority ", in paragraph (c), for the words from " as respects" onwards there shall be substituted the words " the islands or district council. ".

*The Vehicle and Driving Licences Act 1969*

- 46 In section 33(1) (interpretation), in the definition of " local authority " for the words from " the council of a burgh " onwards there shall be substituted the words " in Scotland, the council of a region, islands area or district ".

*The Poisons Act 1972*

- 47 In section 11(2), in the definition of "local authority", for paragraph (b) there shall be substituted the following paragraph—  
    “(b) in relation to Scotland, the council of a region or islands area;”.