
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 196

The Gambling Act 2005 (Premises Licences and Provisional Statements) (Scotland) Regulations 2007

PART 3

Notice of application and period for representations

Notice of application

12.—(1) Subject to paragraph (2) a person making an application (other than a fast track application) must give notice of the application to each of the authorities which in accordance with section 157 are the responsible authorities in relation to the premises to which the application relates.

(2) Where the application is for the transfer or reinstatement of a premises licence, the applicant must give notice of the application only to the authorities mentioned in paragraphs (b), (c), (f), (h) and (i) of section 157.

(3) Subject to paragraphs (10) and (11), a notice under paragraph (1) must be in the form specified in—

- (a) Part 1 of Schedule 6, where the application is for a premises licence;
- (b) Part 3 of that Schedule, where the application is to vary a premises licence;
- (c) Part 5 of that Schedule, where the application is to transfer a premises licence;
- (d) Part 6 of that Schedule, where the application is for the reinstatement of a premises licence; and
- (e) Part 7 of that Schedule, where the application is for a provisional statement.

(4) A notice under paragraph (1) must be given within a period of 7 days beginning on the date on which the application is made.

(5) Paragraph (6) applies where a person has made an application—

- (a) under section 159 for a premises licence (other than where the application is a fast track application);
- (b) under section 187 to vary a premises licence; or
- (c) under section 204 for a provisional statement.

(6) Where this paragraph applies the applicant must publish notice of the application—

- (a) in a local newspaper or, if there is none, a local newsletter, circular or similar document, circulating within the licensing authority's area on at least one occasion during the period of 10 working days starting with the day after the day on which the application is made to the authority; and
- (b) by displaying a notice on the premises to which the application relates—
 - (i) in a place at which it can conveniently be read by members of the public from the exterior of the premises; and

(ii) for a period of no less than 28 consecutive days starting on the day on which the application is made to the licensing authority.

(7) Paragraph (8) applies in a case where—

- (a) the application is for a provisional statement in respect of premises; and
- (b) the premises have not been constructed, or the applicant does not have the right to occupy the premises, on the date on which the application is made.

(8) In any case to which this paragraph applies, paragraph (6)(b)(i) is to have effect as if it required the applicant to display the notice at a place—

- (a) which is as near as reasonably practicable to the premises or proposed premises; and
- (b) where it can conveniently be read by members of the public.

(9) Subject to paragraphs (10) and (11), a notice under sub-paragraph (a) or (b) of paragraph (6) is to be in the form specified in—

- (a) Part 2 of Schedule 6, where the application is for a premises licence;
- (b) Part 4 of that Schedule, where the application is to vary a premises licence; and
- (c) Part 8 of that Schedule, where the application is for a provisional statement.

(10) Where matters are included in square brackets in any form in Schedule 6, they are intended to indicate and explain the information to be specified in the notice to which the form relates, and are not required to be included in the notice.

(11) The first page of a notice given or published under this regulation may include any symbol or logo which is commonly used by the licensing authority to identify documents produced by it.

(12) In this regulation, “fast track application” means an application for a premises licence to which paragraph 57 of Schedule 4 to the Commencement and Transitional Provisions Order (which modifies Part 8 of the Act in its application to certain applications for a converted premises licence) applies.

Failure to give proper notice of application to a responsible authority

13.—(1) This regulation applies where a person who gives notice to a responsible authority under paragraph (1) of regulation 12 fails to give proper notice of the application within the period provided for under paragraph (4) of that regulation.

(2) For the purposes of paragraph (1), a person fails to give proper notice of the application if that person fails to give a notice which complies with the requirements of these Regulations as to the form or manner in which it is to be given.

(3) The applicant must give notice to the responsible authority in a form and manner which complies with the requirements of these Regulations (other than as to the period within which the notice is to be given) as soon as practicable after the end of the period referred to in paragraph (1).

(4) In a case to which this regulation applies, the responsible authority concerned must make any representations under section 161 within the period of 28 days beginning on the day on which it receives the notice referred to in paragraph (3).

(5) The licensing authority may not grant the application until—

- (a) notice has been given by the applicant in accordance with paragraph (3); and
- (b) the period referred to in paragraph (4) has elapsed,

and if it purports to do so any licence issued by the authority shall be of no effect.

(6) Subject to paragraph (5), the licensing authority may disregard any irregularity in relation to the giving of notice under regulation 12(2).

Failure properly to publish notice of an application

14.—(1) This regulation applies where a person who publishes notice of an application under sub-paragraph (a) or (b) of paragraph (6) of regulation 12 fails to publish a proper notice of the application within the period provided for under the relevant sub-paragraph.

(2) For the purposes of paragraph (1), a person fails to publish a proper notice of an application if the published notice does not comply with the requirements of these Regulations as to the form or manner in which it is to be published.

(3) The applicant must publish notice of the application in a form and manner which complies with the requirements of these Regulations (other than as to the timing of the publication) as soon as practicable after the end of the period referred to in paragraph (1).

(4) In a case to which this regulation applies an interested party must make any representations under section 161 within the period of 28 days beginning on the day on which the notice referred to in paragraph (3) is published.

(5) The licensing authority may not grant the application until—

- (a) notice has been published by the applicant in accordance with paragraph (3); and
- (b) the period referred to in paragraph (4) has elapsed,

and if it purports to do so any licence issued by the authority shall be of no effect.

(6) Subject to paragraph (5), the licensing authority may disregard any irregularity in relation to the publication of the notice under sub-paragraph (a) or (b) of paragraph (6) of regulation 12.

Period within which representations are to be made by an interested party or responsible authority

15.—(1) This regulation prescribes, for the purposes of section 161, the period within which a responsible authority or interested party may make representations in relation to an application.

(2) Subject to regulations 13(4) and 14(4), any representations must be made within a period of 28 days beginning on the date on which the application was made to the licensing authority.