

Executive Note

The Licence Transfer (Prescribed Persons)(Scotland) Regulations 2007 SSI/2007/ 34

The above instrument was made in exercise of the powers conferred by sections **34(1), 146(2) and 147(1)** of the **Licensing (Scotland) Act 2005**. Section 34 will be brought fully into force by the commencement date of these Regulations. The instrument is subject to negative resolution procedure.

Policy Objectives

The purpose of the instrument is to set out who other than the licence holder can make an application for the transfer of a premises licence. The licence holder's relationship with the transferee is defined by specified events, for example where the licence holder has died, it will be an executor who makes the application and where a business has been sold it will be the purchaser.

Consultation

The Scottish Executive undertook a public consultation on a draft of these Regulations between October and December 2006. Those consulted included all local authorities in Scotland, all Licensing Boards, the key licensed trade associations and a range of other stakeholder groups. In addition to this the Scottish Executive had useful discussions with key stakeholders during the consultation period. Those organisations included:

The Scottish Licensed Trade Association;
British Entertainment & Dance Association;
The Scottish Beer & Pub Association;
British Institute of Innkeeping;
Scottish Grocers' Federation;
Scottish Retail Consortium;
Association of Chief Police Officers in Scotland; and
The British Hospitality Association.

Financial Effects

The instrument has no financial effects on the Scottish Executive, local government or on business.

Scottish Executive
Finance and Central Services Department
January 2007