

2011 No. 151

LICENSING (LIQUOR)

The Licensing (Minor Variations) (Scotland) Regulations 2011

Made - - - - - *21st February 2011*

Laid before the Scottish Parliament *23rd February 2011*

Coming into force - - - *28th March 2011*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 29(6)(d) and 146(2) of the Licensing (Scotland) Act 2005(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Licensing (Minor Variations) (Scotland) Regulations 2011 and come into force on 28th March 2011.

Variations to be treated as minor variations

2. The following forms of variation of a premises licence are prescribed as minor variations for the purposes of section 29(6) of the Licensing (Scotland) Act 2005—

- (a) where the name of the premises is disclosed in the premises licence, any change in that name;
- (b) a temporary or permanent reduction in the licensed hours which does not result in the premises opening any earlier or closing any later than stated in the premises licence and operating plan;
- (c) in relation to the access of children or young persons onto the premises any variation to the operating plan so as to—
 - (i) increase the minimum age at which children or young persons may be allowed onto the premises;
 - (ii) reduce the times at which children or young persons are allowed onto the premises;
 - (iii) restrict the access of children or young persons to certain parts of the premises;
- (d) any reduction in the capacity of the premises whether resulting from a variation to the layout plan or otherwise;
- (e) any variation resulting in the cessation of the provision of live or recorded music at a decibel level exceeding 85 decibels;

(a) 2005 asp 16. Section 147 of the Act contains a definition of “prescribed” which is relevant to the statutory powers under which these Regulations are made.

- (f) any variation to provide that, when the premises are fully occupied, more customers are likely to be seated than standing.

St Andrew's House,
Edinburgh
21st February 2011

KENNY MACASKILL
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 29 of the Licensing (Scotland) Act 2005 (“the 2005 Act”) deals with applications to vary a premises licence. In terms of section 30(2) of the 2005 Act an application for a minor variation must be granted by the Licensing Board. The variations that are to be treated as minor variations are set out in section 29(6) of the 2005 Act. Section 29(6)(d) enables Ministers to prescribe further descriptions of variations which are to be treated as minor variations for the purposes of section 29(6).

These Regulations specify a number of variations which are to be treated as minor variations for the purposes of section 29(6) of the 2005 Act.

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