



# Licensing (Amendment) (Scotland) Act 1992

## 1992 CHAPTER 18

An Act to amend the provisions of the Licensing (Scotland) Act 1976 relating to the transfer of licences; and for connected purposes. [6th March 1992]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Amendment of section 25 of 1976 Act**

(1) Section 25 of the Licensing (Scotland) Act 1976 (transfer of licences) shall be amended as follows—

- (a) in subsection (1), the word “temporarily” shall cease to have effect;
- (b) for subsections (1A) to (1C) there shall be substituted the following subsections—

( At any time, a licensing board may make such a transfer on a temporary basis and the licence so transferred shall have effect until the appropriate meeting of the board, which shall be—

- (a) the next meeting of the board; or
- (b) where the temporary transfer has been made within the period of 6 weeks before the first day of the next meeting, the next following meeting of the board.

( At the appropriate meeting and on an application for a permanent transfer, the licensing board shall make a decision on the permanent transfer of the licence transferred temporarily under subsection (1A) above.

( Where a board refuses to make a permanent transfer of a licence which has been temporarily transferred under subsection (1A) above, the licence so transferred shall have effect until the time within which

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*Status: This is the original version (as it was originally enacted).*

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an appeal may be made has elapsed or, if an appeal has been lodged, until the appeal has been abandoned or determined.”;

- (c) in subsection (7), after the word “subsection” there shall be inserted the words “(1) or”.
- (2) In section 19(1) of that Act (prohibition of canvassing board members), for the words “or permanent transfer” there shall be substituted the words “permanent transfer, temporary transfer under section 25(1A) of this Act or confirmation of transfer under section 25(1A) of this Act or confirmation of transfer under subsection (4) of that section”.
- (3) In section 51 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (amendment of section 25 of the Licensing (Scotland) Act 1976) paragraph (a) of subsection (2) and subsection (3) shall cease to have effect.

## **2 Citation, extent and commencement**

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- (1) This Act, which extends to Scotland only, may be cited as the Licensing (Amendment) (Scotland) Act 1992.
- (2) The provisions of section 1 of this Act shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument; and such an order may contain such incidental and transitional provisions and savings as appear to him to be necessary or expedient.