

*Status: Point in time view as at 02/08/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Cross Heading: The Licensing (Scotland) Act 1976 (c.66). (See end of Document for details)*

## SCHEDULE 13

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *The Licensing (Scotland) Act 1976 (c.66)*

[<sup>F1</sup>106(1) The Licensing (Scotland) Act 1976 shall be amended in accordance with this paragraph.

(2) In section 1 (licensing boards)—

- (a) in subsection (2)(a) for the words—
  - (i) “each district and islands area” substitute “ the area of each council ”; and
  - (ii) “subsection (3) below” substitute “ section 46(1) of the Local Government etc. (Scotland) Act 1994 ”;
- (b) subsection (3) shall cease to have effect;
- (c) in subsection (4), the words “district or islands” shall cease to have effect;
- (d) in subsection (5)—
  - (i) for the words “a district or islands area” substitute “ the area of a council ”; and
  - (ii) the words “or electoral division” shall cease to have effect;
- (e) for subsections (6) and (7) substitute—

“(6) On 1st April 1996, the members of a licensing board shall be—

- (a) for an area or, as the case may be, a licensing division of an area which was, immediately before that date, an islands area, the members in office immediately before that date; and
- (b) for any other area or, as the case may be licensing division of such area, the members elected by the council for the area in pursuance of section 46 of the Local Government etc. (Scotland) Act 1994.

(7) Subsequent elections of the members of a licensing board for any area or, as the case may be, a licensing division of such area shall be held—

- (a) except in so far as paragraph (b) below otherwise provides, at the first meeting of the council held after each ordinary election of that council which takes place after 1st April 1996; and
- (b) where a determination under subsection (3) above is made, either—
  - (i) at the meeting at which the determination is made; or
  - (ii) at the first meeting of the council held after such meeting as is mentioned in sub-paragraph (i) above.”;
- (f) in subsection (8), for the words from “with” to “above” substitute “ on 1st April 1996 ”; and

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- (g) in subsection (9)—
- (i) for the word “authority”, where it first occurs, substitute “ council ”; and
  - (ii) for the words “the council of that authority” substitute “ that council ”.
- (3) In section 3(2) (expenses of members of licensing boards), the words “of the district or islands area” shall cease to have effect.
- (4) In section 5(8) (council to provide accommodation etc. for licensing board), the words “district or islands” shall cease to have effect.
- (5) In section 7 (clerk of licensing boards)—
- (a) in subsection (1), the words “district and islands”; and
  - (b) subsection (2),
- shall cease to have effect.
- (6) In section 23(7) (meaning of “appropriate authority” for certain purposes), for the words from “in”, where it secondly occurs, to the end substitute “ the appropriate authority is the council ”.
- (7) In section 105 (procedure on application for grant or renewal of certificate of registration)—
- (a) in subsection (2)(b), for the words from “of” to “which” substitute “ within whose area ”; and
  - (b) in subsection (3)(c), after “1973” insert “ or section 22 of the Local Government etc. (Scotland) Act 1994 ”.
- (8) In section 120(6) (consequences of conviction for sale or supply of liquor in unregistered club), for the words from “district” to “in which” substitute “ council within whose area ”.
- (9) In section 139(1) (interpretation), after the definition of “contravene” insert—
- ““council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994; and references to the area of a council shall be construed accordingly;”.]

#### **Textual Amendments**

- F1** [Sch. 13 para. 106](#) repealed (1.5.2007 in regard to para. 106(2)(3)(5) and 1.9.2009 at 5.00 a.m. otherwise) by [Licensing \(Scotland\) Act 2005 \(asp 16\)](#), ss. 149, 150, [Sch. 7](#) (with s. 143); S.S.I. 2007/129, [art. 3](#), [Sch.](#); S.S.I. 2007/472, [art. 3](#)

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