



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 3

#### PREMISES LICENCES

##### *Miscellaneous*

#### **50 Certificates as to planning, building standards and food hygiene**

- (1) A premises licence application (other than a provisional premises licence application) must be accompanied by—
  - (a) a planning certificate,
  - (b) a building standards certificate, and
  - (c) if food is to be supplied on the premises, a food hygiene certificate,in respect of the subject premises.
- (2) A provisional premises licences application must be accompanied by a provisional planning certificate in respect of the subject premises.
- (3) An application under section 46(1) in respect of any premises must be accompanied by—
  - (a) if the provisional planning certificate which accompanied the provisional premises licence application in respect of the subject premises consisted of outline planning permission [<sup>F1</sup>or planning permission in principle], a planning certificate,
  - (b) a building standards certificate, and
  - (c) if food is to be supplied on the premises, a food hygiene certificate,in respect of the subject premises.
- (4) A planning certificate is a certificate signed on behalf of the appropriate authority and stating—
  - (a) that planning permission under the Town and Country Planning (Scotland) Act 1997 (c. 8) (referred to in this section as “the 1997 Act”) in respect of any development of the subject premises in connection with their proposed use as licensed premises has been obtained, or

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- (b) that no such planning permission is required.
- (5) A provisional planning certificate is a certificate signed on behalf of the appropriate authority and stating—
- (a) that planning permission<sup>[F2]</sup>, planning permission in principle<sup>[F2]</sup> or outline planning permission under the 1997 Act has been obtained in respect of the construction or conversion of the subject premises, or
  - (b) that no such planning permission is required.
- (6) A building standards certificate is a certificate signed on behalf of the appropriate authority and stating—
- (a) that a completion certificate has been accepted under section 18 of the Building (Scotland) Act 2003 (asp 8) (referred to in this section as “the 2003 Act”) in respect of any construction or conversion of the subject premises in connection with their proposed use as licensed premises,
  - (b) that permission for the temporary occupation or use of the premises has been granted under section 21(3) of the 2003 Act, or
  - (c) that no such completion certificate or permission is required.
- (7) A food hygiene certificate is a certificate signed on behalf of the appropriate authority and stating that the subject premises comply with <sup>[F3]</sup>such requirements as the Scottish Ministers may, by order, specify.]
- <sup>[F4]</sup>(7A) An order under subsection (7) may specify requirements by reference to provision contained in another enactment.]
- (8) In this section—
- “appropriate authority” means—
- (a) in relation to a planning certificate or provisional planning certificate, the planning authority (within the meaning of the 1997 Act) for the area in which the subject premises are situated,
  - (b) in relation to a building standards certificate, the council for that area,
  - (c) in relation to a food hygiene certificate, the food authority (within the meaning of <sup>[F5]</sup>section 5 of the Food Safety Act 1990 (c.16)) for that area,
- “construction” and “conversion” have the same meanings as they have in the 2003 Act,
- “development” has the same meaning as it has in the 1997 Act.

#### Textual Amendments

- F1** Words in s. 50(3)(a) inserted (3.8.2009) by [Planning etc. \(Scotland\) Act 2006 \(Consequential Amendments\) Order 2009 \(S.S.I. 2009/256\)](#), arts. 1(3), **4(2)(a)**
- F2** Words in s. 50(5)(a) inserted (3.8.2009) by [Planning etc. \(Scotland\) Act 2006 \(Consequential Amendments\) Order 2009 \(S.S.I. 2009/256\)](#), arts. 1(3), **4(2)(b)**
- F3** Words in s. 50(7) substituted (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 186(2)**, 206(1); S.S.I. 2011/178, art. 2, Sch.
- F4** S. 50(7A) inserted (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 186(3)**, 206(1); S.S.I. 2011/178, art. 2, Sch.
- F5** Words in s. 50(8)(c) substituted (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 186(4)**, 206(1); S.S.I. 2011/178, art. 2, Sch.

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#### Commencement Information

**I1** S. 50 in force at 1.2.2008 by [S.S.I. 2007/472](#), art. 2, [Sch. 1](#)

## 51 Notification of determinations

- (1) Where a Licensing Board grants or refuses an application under this Part, the Board must give notice of the grant or refusal to—
  - (a) the applicant,
  - (b) the [<sup>F6</sup>chief constable], and
  - (c) in the case of the grant or refusal of a premises licence application, any person who gave a notice of objection or representation under section 22(1) in respect of the application.
- (2) A person to whom notice is given under subsection (1) may, by notice to the clerk of the Board, require the Board to give a statement of reasons for the grant or refusal of the application.
- (3) Where the clerk of a Licensing Board receives a notice under subsection (2), the Board must issue a statement of the reasons for the grant or refusal of the application to—
  - (a) the person giving the notice, and
  - (b) each other person to whom the Board gave notice under subsection (1).
- (4) A statement of reasons under subsection (3) must be issued—
  - (a) by such time, and
  - (b) in such form and manner,as may be prescribed.

#### Textual Amendments

**F6** Words in s. 51(1)(b) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), sch. 7 para. 29(2), (3); [S.S.I. 2013/51](#), art. 2 (with transitional provisions and savings in [S.S.I. 2013/121](#))

#### Commencement Information

**I2** S. 51 in force at 1.2.2008 by [S.S.I. 2007/472](#), art. 2, [Sch. 1](#)

## 52 Duty to keep, display and produce premises licence

- (1) A premises licence holder must secure that the premises licence, or a certified copy of it, is kept at the premises in respect of which it is issued in the custody or under the control of—
  - (a) the licence holder, or
  - (b) the premises manager.
- (2) A premises licence holder must secure that the summary of the licence, or a certified copy of the summary, is prominently displayed on the premises so as to be capable of being read by anyone frequenting the premises.
- (3) A premises licence holder who fails, without reasonable excuse, to comply with subsection (1) or (2) commits an offence.

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- (4) Any of the persons specified in subsection (5) may require the person in whose custody or under whose control a premises licence (or a certified copy of it) is kept by virtue of subsection (1) to produce the licence (or certified copy) for inspection.
- (5) The persons referred to in subsection (4) are—
- (a) a constable, and
  - (b) a Licensing Standards Officer for the council area in which the premises are situated.
- (6) A person who fails, without reasonable excuse, to comply with a requirement made under subsection (4) commits an offence.
- (7) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### Commencement Information

**I3** S. 52 in force at 1.9.2009 at 5.00 a.m. by [S.S.I. 2007/472](#), [art. 3](#)

### 53 Theft, loss etc. of premises licence or summary

- (1) This section applies where the appropriate Licensing Board receives from a premises licence holder an application for a replacement premises licence or a replacement summary.
- (2) If satisfied that—
- (a) the premises licence held by the licence holder or, as the case may be, the summary of it has been lost, stolen, damaged or destroyed, and
  - (b) where it has been lost or stolen, the licence holder has reported the loss or theft to the police,
- the Licensing Board must issue to the licence holder a replacement licence or, as the case may be, a replacement summary.
- (3) A replacement licence or a replacement summary is a copy of the licence or summary—
- (a) in the form in which it existed immediately before it was lost, stolen, damaged or destroyed, and
  - (b) certified by the Board to be a true copy.
- (4) In this Act, references to—
- (a) a premises licence include references to a replacement premises licence,
  - (b) a summary of a premises licence include references to a replacement summary,
- issued under this section.

#### Commencement Information

**I4** S. 53 in force at 1.2.2008 by [S.S.I. 2007/472](#), [art. 2](#), [Sch. 1](#)

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## 54 Dismissal, resignation, death etc. of premises manager

- (1) This section applies where any of the events specified in subsection (2) occurs in relation to any licensed premises in respect of which a premises licence has effect.
- (2) Those events are—
  - (a) the premises manager ceases to work at the premises,
  - (b) the premises manager becomes incapable for any reason of acting as premises manager,
  - (c) the premises manager dies, or
  - (d) the personal licence held by the premises manager is revoked or suspended.
- (3) The premises licence holder must, not later than 7 days after the occurrence of the event, give notice of it to the appropriate Licensing Board.
- (4) Subsection (5) applies if—
  - (a) subsection (3) is complied with, and
  - (b) within the period of 6 weeks beginning with the day on which the event occurs, a premises licence variation application is made seeking a variation of the premises licence in respect of the premises so as to substitute another individual as the premises manager.
- (5) Any breach of the conditions specified in paragraphs 4 and 5 of schedule 3 in the period beginning with the occurrence of the event and ending with the receipt by the Licensing Board of the application referred to in subsection (4)(b) is, so far as it is attributable to the occurrence of the event, to be disregarded.
- (6) If no such application as is mentioned in paragraph (b) of subsection (4) is made within the period mentioned in that paragraph, then, at the end of that period, the Licensing Board must vary the premises licence so that there is no longer any premises manager specified in it.

### Commencement Information

**I5** S. 54 in force at 1.9.2009 at 5.00 a.m. by [S.S.I. 2007/472](#), [art. 3](#)

## 55 Certified copies

- Any reference in this Part to a certified copy of a premises licence or of a summary of such a licence is a reference to a copy of the licence or summary certified to be a true copy by—
- (a) the Licensing Board,
  - (b) a solicitor or notary public, or
  - (c) a person of a prescribed description.

### Commencement Information

**I6** S. 55 in force at 1.2.2008 by [S.S.I. 2007/472](#), [art. 2](#), [Sch. 1](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) Appointed Day(s) by [S.S.I. 2006/239 art. 2](#) (This S.S.I. is revoked on 25.5.2006 by S.S.I. 2006/286, art. 6)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 33(1)(1A) substituted for s. 33(1)-(3) by [2015 asp 10 s. 49\(2\)\(a\)](#)
- s. 33(8)(za) inserted by [2015 asp 10 s. 49\(2\)\(c\)](#)
- s. 33(8A) inserted by [2015 asp 10 s. 49\(2\)\(d\)](#)
- s. 33A inserted by [2015 asp 10 s. 49\(4\)](#)
- s. 134ZA-134ZC inserted by [2015 asp 10 s. 61\(2\)](#)