Licensing (Scotland) Act 2005

2005 asp 16

PART 3

PREMISES LICENCES

Updating of licence

48 Notification of change of name or address

(1) A premises licence holder must, not later than one month after the occurrence of any change in—

(a) the licence holder's name or address, [F1]...

(b) the name or address of the premises manager specified in the licence **[**[F2], or

(c) the name or address of any person who is—

(i) a connected person in relation to the licence holder, [F3]...

[F4](ii) . . . . . **]**

give the appropriate Licensing Board notice of the change.

(2) A notice under subsection (1) must be accompanied by the premises licence or, if that is not practicable, by a statement of the reasons for the failure to produce the licence.

[[F5](2A) Where a Licensing Board receives a notice under subsection (1), the Board must give a copy of the notice to the **[**[F6]chief constable**].]**

(3) A premises licence holder who fails, without reasonable excuse, to comply with subsection (1), commits an offence.

(4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Textual Amendments

F1 Word in s. 48(1) repealed (13.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 184(3)(a)(i)**, 206(1); S.S.I. 2010/413, art. 2, Sch.

F2 S. 48(1)(c) and word inserted (13.12.2010 for the insertion of s. 48(1)(c)(i) only, 29.6.2018 in so far as not already in force) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 184(3)(a)(ii)**, 206(1); S.S.I. 2010/413, art. 2, sch.; S.S.I. 2018/102, art. 2(a)

F3 Word in s. 48(1)(c) repealed (29.6.2018) by Air Weapons and Licensing (Scotland) Act 2015 (asp 10), **ss. 59(4)(a)**, 88(2); S.S.I. 2018/102, **art. 3**

F4 S. 48(1)(c)(ii) repealed (29.6.2018) by Air Weapons and Licensing (Scotland) Act 2015 (asp 10), **ss. 59(4)(b)**, 88(2); S.S.I. 2018/102, **art. 3**

F5 S. 48(2A) inserted (13.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 184(3)(b)**, 206(1); S.S.I. 2010/413, art. 2, Sch.

F6 Words in s. 48(2A) 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

I1 S. 48 in force at 1.2.2008 by S.S.I. 2007/472, art. 2, **Sch. 1**

49 Licensing Board's duty to update premises licence

(1) Subsection (2) applies where a Licensing Board—

(a) receives a notice under section 48(1) in relation to a premises licence,

(b) grants a premises licence variation application or otherwise makes a variation of a premises licence,

(c) grants an application under section 33(1) or 34(1) for the transfer of a premises licence,

(d) in relation to a provisional premises licence, grants—

(i) an application under section 45(7) for an extension of the provisional period, or

(ii) an application under section 46(1) for confirmation of the licence,

(e) in relation to a temporary premises licence, grants an application under section 47(6) for an extension of the period during which the licence has effect, or

(f) on reviewing a premises licence, takes any of the steps referred to in section 39(1).

(2) The Board must make any necessary amendments to the licence and, if necessary, issue a new summary of the licence.

[[F7](2A) Where a Licensing Board issues a new summary of the licence under subsection (2), the Board must send a copy of the new summary of the licence to the **[**[F8]chief constable**].]**

(3) Where a Licensing Board is not in possession of a premises licence and—

(a) the licence has ceased to have effect under any provision of this Act, or

(b) the Board requires the licence for the purpose of complying with the duty under subsection (2),

the Board may require the licence holder to produce the licence to the Board within 14 days from the date on which the requirement is notified.

(4) A licence holder who, without reasonable excuse, fails to comply with a requirement made under subsection (3), commits an offence.

Changes to legislation: *Licensing (Scotland) Act 2005, Cross Heading: Updating of licence is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Textual Amendments

F7 S. 49(2A) inserted (13.12.2010) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 187(4)**, 206(1); S.S.I. 2010/413, art. 2, Sch.

F8 Words in s. 49(2A) 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. 49 in force at 1.2.2008 by S.S.I. 2007/472, art. 2, **Sch. 1**

Changes to legislation:
Licensing (Scotland) Act 2005, Cross Heading: Updating of licence is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

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)