



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 6

#### PERSONAL LICENCES

##### *Grant and renewal of personal licence*

#### 72 Application for personal licence

- (1) Any individual aged 18 years or more may apply for a personal licence to—
  - (a) if the individual is ordinarily resident in the area of any Licensing Board, that Board, or
  - (b) in any other case, any Licensing Board.
- (2) An application under subsection (1) is referred to in this Act as a “personal licence application”.

#### Commencement Information

**II** S. 72 in force at 1.2.2008 by [S.S.I. 2007/472](#), art. 2, [Sch. 1](#)

#### 73 Notification of application to chief constable

- (1) Where a Licensing Board receives a personal licence application, the Board must give notice of it, together with a copy of the application, to the [<sup>F1</sup>chief constable].
  - (2) The [<sup>F2</sup>chief constable] must, within 21 days of the date of receipt of a notice under subsection (1), [<sup>F3</sup>or within such longer period as the chief constable considers reasonable in the circumstances because of a reason relating to coronavirus,] respond to the notice by giving the Licensing Board one or other of the notices mentioned in subsection (3).
- [<sup>F4</sup>(2A) Where the chief constable is not going to respond to a notice within the 21 day period referred to in subsection (2), the chief constable must inform the Licensing Board of—
- (a) that fact, and

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- (b) the time period within which the chief constable expects to respond.]
- (3) Those notices are—
- (a) a notice stating that, as far as the chief constable is aware, the applicant has not been convicted of any relevant offence or foreign offence, or
- (b) a notice specifying any convictions of the applicant for any such offence.
- [<sup>F5</sup>(4) On giving a notice under subsection (3)(a) or (b), if the [<sup>F6</sup>chief constable] considers that it is necessary for the purposes of any of the licensing objectives that the personal licence application be refused, the chief constable may include in the notice a recommendation to that effect.]
- [<sup>F7</sup>(5) On giving a notice under subsection (3)(a) or (b), the chief constable may also provide to the Licensing Board any information in relation to the applicant that the chief constable considers may be relevant to consideration by the Board of the application.]

#### Textual Amendments

- F1** Words in s. 73(1) 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)
- F2** Words in s. 73(2) 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)
- F3** Words in s. 73(2) inserted (temp.) (7.4.2020) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), s. 17(1), [sch. 5 para. 6\(7\)\(a\)](#) (with ss. 11-13) (which affecting provision expires (1.10.2022) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), s. 12(1))
- F4** S. 73(2A) inserted (temp.) (7.4.2020) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), s. 17(1), [sch. 5 para. 6\(7\)\(b\)](#) (with ss. 11-13) (which affecting provision expires (1.10.2022) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), s. 12(1))
- F5** S. 73(4) substituted (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), [Sch. 6 para. 12](#); S.S.I. 2010/413, art. 2, sch.
- F6** Words in s. 73(4) 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)
- F7** S. 73(5) inserted (15.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 46\(2\)](#), 88(2); S.S.I. 2017/119, art. 2, sch. (with arts. 3, 4)

#### Commencement Information

- I2** S. 73 in force at 1.2.2008 by [S.S.I. 2007/472](#), art. 2, [Sch. 1](#)

#### [<sup>F8</sup>73A Notification of application to Licensing Standards Officer

- (1) Where a Licensing Board receive a personal licence application, the Board must give notice of it, together with a copy of the application, to a Licensing Standards Officer for the Board's area.
- (2) A Licensing Standards Officer may, within 21 days of the date of receipt of a notice under subsection (1), respond to the notice by giving the Licensing Board any information in relation to the applicant that the Officer considers may be relevant to consideration by the Board of the application.

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- [ If a Licensing Standards Officer intends to respond to a notice but is, for a reason <sup>F9</sup>(2A) relating to coronavirus, unable to do so within 21 days of receipt of the notice—
- (a) the Officer must, within that period, make the Licensing Board aware of that situation, and
  - (b) if the Officer responds to the notice after the end of that period, the Board may take the response into account if the Board considers it reasonable to do so.]]

#### Textual Amendments

- F8** S. 73A inserted (15.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), **ss. 46(3)**, 88(2); S.S.I. 2017/119, art. 2, sch. (with arts. 3, 4)
- F9** S. 73A(2A) inserted (temp.) (7.4.2020) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), s. 17(1), **sch. 5 para. 5(4)** (with ss. 11-13)

## 74 Determination of personal licence application

- (1) A personal licence application received by a Licensing Board is to be determined by the Board in accordance with this section.
- (2) If—
- (a) all of the conditions specified in subsection (3) are met in relation to the applicant, <sup>F10</sup>...
  - (b) the Board has received from the [<sup>F11</sup>chief constable] a notice under section 73(3)(a),
  - [<sup>F12</sup>(c) the notice does not include a recommendation under section 73(4),
  - [<sup>F13</sup>(ca) no information has been provided under section 73(5) or 73A(2),]
  - (d) the applicant has signed the application, and
  - (e) subsection (8) does not apply,]
- the Board must grant the application.
- (3) The conditions referred to in subsection (2)(a) are that—
- (a) the applicant is aged 18 or over,
  - (b) the applicant possesses a licensing qualification, <sup>F14</sup>...
  - [<sup>F15</sup>(ba) the applicant does not already hold a personal licence, and]
  - (c) no personal licence previously held by the applicant has been revoked [<sup>F16</sup>under any provision of this Act other than section 87(3)] within the period of 5 years ending with the day on which the application was received.
- (4) If any of those conditions is not met in relation to the applicant, the Licensing Board must refuse the application.
- (5) If—
- (a) all of those conditions are met in relation to the applicant, and
  - [<sup>F17</sup>(b) the notice received from the [<sup>F18</sup>chief constable] under subsection (3)(a) or (b) of section 73 includes a recommendation under subsection (4) of that section,]
- the Licensing Board must hold a hearing for the purpose of considering and determining the application.

[<sup>F19</sup>(5A) If—

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- (a) all of those conditions are met in relation to the applicant,
- (b) the Board has received from the [<sup>F20</sup>chief constable] a notice under subsection (3)(b) of section 73, and
- (c) the notice does not include a recommendation under subsection (4) of that section,

the Board may hold a hearing for the purpose of considering and determining the application.

[ If—

- <sup>F21</sup>(5AA)
- (a) all of those conditions are met in relation to the applicant,
  - (b) the notice received from the chief constable under subsection (3)(a) or (b) of section 73 does not include a recommendation under subsection (4) of that section, and
  - (c) information has been provided under subsection (5) of that section or under section 73A(2),

the Board may hold a hearing for the purpose of considering and determining the application.]

(5B) If the Board decides not to hold a hearing under subsection (5A) [<sup>F22</sup>or (5AA)], the Board must grant the application.]

- (6) At a hearing under subsection [<sup>F23</sup>(5), (5A) or (5AA)], the Licensing Board must, after having regard to the chief constable's notice [<sup>F24</sup>and any information provided under section 73(5) or 73A(2)]—
  - (a) if satisfied that [<sup>F25</sup>a ground for refusal applies], refuse the application, or
  - (b) if not so satisfied, grant the application.

[<sup>F26</sup>(6A) The grounds for refusal are—

- (a) that, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a personal licence,
- (b) that it is otherwise necessary to refuse the application for the purposes of any of the licensing objectives.]

[<sup>F27</sup>(7) Subsection (8) applies if—

- (a) all of the conditions specified in subsection (3) are met in relation to the applicant,
- (b) the Board has received from the [<sup>F28</sup>chief constable] a notice under section 73(3)(a), and
- (c) the applicant has held a personal licence which—
  - (i) expired within the period of 3 years ending on the day on which the application was received, or
  - (ii) was surrendered by the applicant by notice under section 77(6) received within that period.

(8) The Licensing Board may—

- (a) hold a hearing for the purposes of considering and determining the application, and
- (b) after having regard to the circumstances in which the personal licence previously held expired or, as the case may be, was surrendered—
  - (i) refuse the application, or
  - (ii) grant the application.]

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### Textual Amendments

- F10** Word in s. 74(2) repealed (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 192\(2\)\(a\)\(i\)](#), 206(1); S.S.I. 2010/413, art. 2, sch.
- F11** Words in s. 74(2)(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)
- F12** S. 74(2)(c)-(e) added (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 192\(2\)\(a\)\(ii\)](#), 206(1); S.S.I. 2010/413, art. 2, sch.
- F13** S. 74(2)(ca) inserted (15.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 46\(4\)\(a\)](#), 88(2); S.S.I. 2017/119, art. 2, sch. (with arts. 3, 4)
- F14** Word in s. 74(3) repealed (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 192\(2\)\(b\)\(i\)](#), 206(1); S.S.I. 2010/413, art. 2, sch.
- F15** S. 74(3)(ba) inserted (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 192\(2\)\(b\)\(ii\)](#), 206(1); S.S.I. 2010/413, art. 2, sch.
- F16** Words in s. 74(3)(c) inserted (5.8.2015) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 60\(2\)](#), 88(1)
- F17** S. 74(5)(b) substituted (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), [sch. 6 para. 13\(2\)](#); S.S.I. 2010/413, art. 2, sch.
- F18** Words in s. 74(5)(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)
- F19** S. 74(5A)(5B) inserted (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), [Sch. 6 para. 13\(3\)](#); S.S.I. 2010/413, art. 2, sch.
- F20** Words in s. 74(5A)(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)
- F21** S. 74(5AA) inserted (15.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 46\(4\)\(b\)](#), 88(2); S.S.I. 2017/119, art. 2, sch. (with arts. 3, 4)
- F22** Words in s. 74(5B) inserted (15.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 46\(4\)\(c\)](#), 88(2); S.S.I. 2017/119, art. 2, sch. (with arts. 3, 4)
- F23** Words in s. 74(6) substituted (15.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 46\(4\)\(d\)\(i\)](#), 88(2); S.S.I. 2017/119, art. 2, sch. (with arts. 3, 4)
- F24** Words in s. 74(6) inserted (15.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 46\(4\)\(d\)\(ii\)](#), 88(2); S.S.I. 2017/119, art. 2, sch. (with arts. 3, 4)
- F25** Words in s. 74(6)(a) substituted (15.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 46\(4\)\(d\)\(iii\)](#), 88(2); S.S.I. 2017/119, art. 2, sch. (with arts. 3, 4)
- F26** S. 74(6A) inserted (15.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 46\(4\)\(e\)](#), 88(2); S.S.I. 2017/119, art. 2, sch. (with arts. 3, 4)
- F27** S. 74(7)(8) inserted (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 192\(2\)\(c\)](#), 206(1); S.S.I. 2010/413, art. 2, sch.
- F28** Words in s. 74(7)(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

- I3** S. 74 in force at 1.2.2008 by [S.S.I. 2007/472](#), art. 2, [sch. 1](#)

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## 75 Applicant's duty to notify Licensing Board of convictions

- (1) This section applies where, during the period beginning with the making of a personal licence application and ending with determination of the application, the applicant is convicted of a relevant offence or a foreign offence.
- (2) The applicant must, no later than one month after the date of the conviction, give notice of the conviction to the Licensing Board to which the personal licence application was made.
- (3) A notice under subsection (2) must specify—
  - (a) the nature of the offence, and
  - (b) the date of the conviction.
- (4) Where the Licensing Board receives a notice under subsection (2) at any time before they have determined the personal licence application, the Board must—
  - (a) suspend consideration of the application, and
  - (b) give notice of the conviction to the [<sup>F29</sup>chief constable].
- (5) The [<sup>F30</sup>chief constable] must, within 21 days of the date of receipt of a notice under subsection (4)(b), [<sup>F31</sup>or within such longer period as the chief constable considers reasonable in the circumstances because of a reason relating to coronavirus,] respond to the notice by giving the Licensing Board one or other of the notices mentioned in subsection (6).
- [<sup>F32</sup>(5A) Where the chief constable is not going to respond to a notice within the 21 day period referred to in subsection (5), the chief constable must inform the Licensing Board of—
  - (a) that fact, and
  - (b) the time period within which the chief constable expects to respond.]
- (6) Those notices are—
  - (a) a notice stating that the chief constable is unable to confirm the existence of the conviction or that the conviction does not relate to a relevant offence or foreign offence, or
  - (b) a notice confirming the existence of the conviction and that it relates to a relevant offence or foreign offence.
- (7) Where the chief constable—
  - (a) proposes to give a notice under subsection (6)(b), and
  - (b) considers that, having regard to the conviction specified in the notice, it is necessary for the purposes of [<sup>F33</sup>any of the licensing objectives] that the personal licence application be refused,
 the chief constable may include in the notice a recommendation to that effect.
- (8) On receipt of the chief constable's notice under subsection (6), the Licensing Board must resume consideration of the personal licence application and determine it in accordance with section 74.
- (9) For that purpose, that section has effect as if—
  - (a) references in it to a notice under section 73(3)(a) included references to a notice under subsection (6)(a) of this section, [<sup>F34</sup>...
  - (b) references in it to a notice under section 73(3)(b) included references to a notice under subsection (6)(b) of this section [<sup>F35</sup>, and

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- (c) references in it to a recommendation under section 73(4) include references to a recommendation under subsection (7) of this section.]
- (10) A person who, without reasonable excuse, fails to comply with subsection (2) commits an offence.
- (11) A person guilty of an offence under subsection (10) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### Textual Amendments

- F29** Words in s. 75(4)(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)
- F30** Words in s. 75(5) 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)
- F31** Words in s. 75(5) inserted (temp.) (7.4.2020) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), s. 17(1), [sch. 5 para. 6\(8\)\(a\)](#) (with ss. 11-13) (which affecting provision expires (1.10.2022) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), s. 12(1))
- F32** S. 75(5A) inserted (temp.) (7.4.2020) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), s. 17(1), [sch. 5 para. 6\(8\)\(b\)](#) (with ss. 11-13) (which affecting provision expires (1.10.2022) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), s. 12(1))
- F33** Words in s. 75(7)(b) substituted (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), [Sch. 6 para. 14\(2\)](#); S.S.I. 2010/413, art. 2, Sch.
- F34** Word in s. 75(9) repealed (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), [Sch. 6 para. 14\(3\)\(a\)](#); S.S.I. 2010/413, art. 2, Sch.
- F35** S. 75(9)(c) and word added (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), [Sch. 6 para. 14\(3\)\(b\)](#); S.S.I. 2010/413, art. 2, Sch.

#### Modifications etc. (not altering text)

- C1** S. 75(2) modified (1.2.2008) by [Licensing \(Relevant Offences\) \(Scotland\) Regulations 2007 \(S.S.I. 2007/513\)](#), regs. 1(1), 3

#### Commencement Information

- I4** S. 75 in force at 1.2.2008 by [S.S.I. 2007/472](#), art. 2, [Sch. 1](#)

## 76 Issue of licence

- (1) Where a Licensing Board grants a personal licence application, the Board must issue a personal licence, in the prescribed form, to the applicant.
- (2) A personal licence issued under subsection (1) must specify—
- the name and address of the individual to whom it is issued,
  - the Licensing Board issuing the licence,
  - the expiry date of the licence,
  - any relevant offence or foreign offence of which the applicant has been convicted, and
  - such other matters as may be prescribed.
- (3) A personal licence is void if, at the time it is issued under subsection (1), the individual to whom it is issued already holds a personal licence.



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- [<sup>F36</sup>(4) A person who holds a void personal licence must surrender it to the Licensing Board.
- (5) A person who, without reasonable excuse, fails to comply with subsection (4) commits an offence.
- (6) A person who passes off a void personal licence as a valid personal licence knowing that the licence is void commits an offence.
- (7) A person guilty of an offence under subsection (5) or (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

#### Textual Amendments

**F36** S. 76(4)-(7) added (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), ss. [192\(3\)](#), [206\(1\)](#); S.S.I. 2010/413, art. 2, Sch.

#### Commencement Information

**I5** S. 76 in force at 1.2.2008 by [S.S.I. 2007/472](#), art. 2, [Sch. 1](#)

## 77 Period of effect of personal licence

- (1) A personal licence has effect, subject to the following provisions of this section, during the period of 10 years beginning with the date on which it is issued.
- (2) That period, and any subsequent extension of it under this subsection, is extended for a further period of 10 years if a personal licence renewal application is granted in respect of the licence.
- [<sup>F37</sup>(2A) Subsection (2B) applies where a personal licence renewal application is made to a Licensing Board and the Board has not determined the application before the expiry date of the licence.
- (2B) Despite subsection (1), the licence continues to have effect for a period of 6 months beginning on the expiry date of the licence.]
- (3) A personal licence does not have effect for any period during which it is suspended by virtue of any provision of this Act.
- (4) Subsection (3) does not affect the calculation of the period during which a personal licence has effect by virtue of subsection (1) as read with [<sup>F38</sup>subsection (2)] [<sup>F38</sup>subsections (2), (2A) and (2B)].
- (5) A personal licence ceases to have effect if—
- the licence is revoked under any provision of this Part, or
  - the Licensing Board which issued the licence receives from the personal licence holder a notice under subsection (6).
- (6) That is a notice—
- accompanied by the personal licence or, where that is not practicable, by a statement of reasons for failure to produce the licence, and
  - stating that the licence holder wishes to surrender the licence.
- (7) The date of expiry of the period during which a personal licence has effect is referred to in this Act as the “expiry date” of the licence.



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- (8) Not later than <sup>F39</sup> months before the expiry date of a personal licence, the Licensing Board which issued the licence must give notice to the licence holder that the licence will cease to have effect on the expiry date unless renewed.

#### Textual Amendments

- F37** S. 77(2A)(2B) inserted (temp.) (7.4.2020) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), s. 17(1), [sch. 5 para. 3\(2\)\(a\)](#) (with ss. 11-13) (which affecting provision expires (1.10.2022) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), s. 12(1) (with saving in S.S.I. 2022/261, regs. 1, 9))
- F38** Words in s. 77(4) substituted (temp.) (7.4.2020) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), s. 17(1), [sch. 5 para. 3\(2\)\(b\)](#) (with ss. 11-13) (which affecting provision expires (1.10.2022) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), s. 12(1) (with saving in S.S.I. 2022/261, regs. 1, 9))
- F39** Word in s. 77(8) substituted (15.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 60\(3\)](#), 88(2); S.S.I. 2017/119, art. 2, sch.

#### Modifications etc. (not altering text)

- C2** S. 77 modified (1.1.2008) by [Licensing \(Transitional and Saving Provisions\) \(Scotland\) Order 2007 \(S.S.I. 2007/454\)](#), arts. 1, 23
- C3** S. 77(1) excluded (30.6.2019) by [The Licensing \(Personal Licences Supplemental and Transitional Provision\) \(Scotland\) Order 2019 \(S.S.I. 2019/177\)](#), arts. 1(1), 2(2)

#### Commencement Information

- I6** S. 77 in force at 1.2.2008 by [S.S.I. 2007/472](#), art. 2, [sch. 1](#)

## 78 Renewal of personal licence

- (1) The holder of a personal licence may, within the period specified in subsection (2), apply to the Licensing Board which issued the licence for renewal of the licence.

<sup>F40</sup>(2) The period referred to in subsection (1) is—

- (a) the period of 9 months beginning 12 months before the expiry date of the licence, or
- (b) if the Licensing Board is satisfied that, for a reason relating to coronavirus, the holder of the personal licence is unable to apply within the period mentioned in paragraph (a), the period which begins 12 months before the expiry date of the licence and ends on the day before the expiry date of the licence.]
- (3) An application under subsection (1) must be accompanied by—
- (a) the personal licence to which it relates, or
- (b) if that is not practicable, a statement of the reasons for failure to produce the licence.
- (4) An application under subsection (1) which complies with subsection (3) is referred to in this Act as a “personal licence renewal application”.
- (5) Sections <sup>F43</sup>73, 73A and 74<sup>F44</sup> (other than subsection (3)(ba)) apply to a personal licence renewal application as they apply to a personal licence application.
- (6) For that purpose, references in those sections to a personal licence application are to be read as if they included reference to a personal licence renewal application.

*Status: Point in time view as at 07/04/2020.*

*Changes to legislation: Licensing (Scotland) Act 2005, Cross Heading: Grant and renewal of personal licence is up to date with all changes known to be in force on or before 21 April 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)*

#### Textual Amendments

- F40** S. 78(2) substituted (temp.) (7.4.2020) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), s. 17(1), [sch. 5 para. 3\(3\)](#) (with ss. 11-13) (which affecting provision expires (1.10.2022) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), s. 12(1))
- F41** Word in s. 78(2) substituted (15.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 60\(4\)\(a\)\(i\)](#), 88(2); S.S.I. 2017/119, art. 2, sch.
- F42** Word in s. 78(2) substituted (15.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 60\(4\)\(a\)\(ii\)](#), 88(2); S.S.I. 2017/119, art. 2, sch.
- F43** Words in s. 78(5) substituted (15.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 46\(5\)](#), 88(2); S.S.I. 2017/119, art. 2, sch. (with arts. 3, 4)
- F44** Words in s. 78(5) inserted (15.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 60\(4\)\(b\)](#), 88(2); S.S.I. 2017/119, art. 2, sch.

#### Commencement Information

- I7** S. 78 in force at 1.2.2008 by [S.S.I. 2007/472](#), art. 2, [sch. 1](#)

## 79 Notification of determinations

- (1) This section applies where a Licensing Board grants or refuses—
  - (a) a personal licence application, or
  - (b) a personal licence renewal application.
- (2) The Board must give—
  - (a) the applicant, and
  - (b) the [<sup>F45</sup>chief constable],
 notice of the grant or refusal of the application.
- (3) A person to whom notice is given under subsection (2) 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.
- (4) Where the clerk of a Licensing Board receives a notice under subsection (3), 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 (2).
- (5) A statement of reasons under subsection (4) must be issued—
  - (a) by such time, and
  - (b) in such form and manner,
 as may be prescribed.

#### Textual Amendments

- F45** Words in s. 79(2)(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

- I8** S. 79 in force at 1.2.2008 by [S.S.I. 2007/472](#), art. 2, [Sch. 1](#)

**Status:**

Point in time view as at 07/04/2020.

**Changes to legislation:**

Licensing (Scotland) Act 2005, Cross Heading: Grant and renewal of personal licence is up to date with all changes known to be in force on or before 21 April 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.