



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 9

#### MISCELLANEOUS AND GENERAL

##### *Special provision for certain clubs*

#### 125 Special provisions for certain clubs

- (1) The provisions of this Act mentioned in subsection (2) do not apply in relation to premises which are used wholly or mainly for the purposes of any club of such description as may be prescribed.
- (2) Those provisions are—
  - (a) section 7 (assessments of overprovision),
  - (b) section 20(4)(g) (requirement for operating plan to contain information as to the premises manager),
  - (c) section 23(5)(e) (ground of refusal of premises licence application relating to overprovision),
  - (d) section 26(2)(a)(ii) (requirement for name and address of premises manager to be specified in premises licence),
  - (e) section 30(5)(d) (ground of refusal of premises licence variation application relating to overprovision),
  - (f) in schedule 3—
    - (i) paragraph 4 (requirement for there to be a premises manager for licensed premises), and
    - (ii) paragraph 5 (requirement for sales of alcohol under premises licence to be authorised by a personal licence holder), and
  - (g) in schedule 4, paragraph 4 (requirement for sales of alcohol under certain occasional licences to be authorised by a personal licence holder).
- (3) Different descriptions of clubs may be prescribed under subsection (1) in relation to different provisions specified in subsection (2).
- (4) The Scottish Ministers may by regulations provide for this Act to apply in relation to—
  - (a) clubs of such descriptions as may be prescribed in the regulations, or

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*Status: This is the original version (as it was originally enacted).*

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- (b) premises used wholly or mainly for the purposes of such clubs, subject to such further modifications as may be so prescribed.
- (5) Regulations under subsection (1) or (4) may prescribe a description of club by reference to—
- (a) requirements as to the constitution of the club, including, in particular, requirements as to—
    - (i) membership of the club, and
    - (ii) the rules of the club, and
  - (b) such other factors as the Scottish Ministers consider appropriate.