

Changes to legislation: Licensing (Scotland) Act 2005, SCHEDULE 5 is up to date with all changes known to be in force on or before 09 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) View outstanding changes

SCHEDULE 5
(introduced by section 131(1))

APPEALS

PART 1

APPEALS TO THE SHERIFF PRINCIPAL

Commencement Information

II Sch. 5 Pt. 1 in force at 1.2.2008 by [S.S.I. 2007/472](#), art. 2, [Sch. 1](#)

<i>Decision</i>	<i>Persons who can appeal</i>
A decision to refuse a premises licence application	The applicant
A decision to refuse a premises licence variation application	The applicant
A decision to refuse an application under section 33(1) or 34(1) for transfer of a premises licence	The applicant
A decision to refuse an application under section 35(1) for a variation of a premises licence	The applicant
A decision under section 39(1) [^{F1} or (2A)] to issue a written warning to a premises licence holder, to make a variation of a premises licence, or to suspend or revoke such a licence	The premises licence holder or, where the decision is taken in connection with a premises licence review application, the applicant
A decision to refuse an application under section 40 to revoke a variation or suspension of a premises licence	The applicant
A decision to refuse an application under section 45(7) to extend the provisional period in relation to a provisional premises licence	The applicant
A decision to refuse an application under section 46(4) to confirm a provisional premises licence	The applicant
A decision to refuse an application under section 47(2) to issue a premises licence for temporary premises	The applicant
A decision to refuse an application under section 47(6) to extend the period for which a temporary premises licence has effect	The applicant

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A decision to refuse an occasional licence application	The applicant
A decision to grant an occasional licence application	Any person who has given a notice of objection under section 58(1)
A decision to refuse an extended hours application	The applicant

Textual Amendments

- F1** Words in sch. 5 Pt. 1 inserted (15.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 45\(7\)](#), [88\(2\)](#); S.S.I. 2017/119, art. 2, sch. (with arts. 3, 4)

PART 2

APPEALS TO THE SHERIFF

Commencement Information

- I2** Sch. 5 Pt. 2 in force at 1.2.2008 by [S.S.I. 2007/472](#), art. 2, [Sch. 1](#)

<i>Decision</i>	<i>Persons who can appeal</i>
A decision to refuse a personal licence application	The applicant
A decision to make an order under section [F283(9) or (9A)] , [F384(7) or (7A)] , or 86(3) revoking, suspending or endorsing a personal licence	The personal licence holder

Textual Amendments

- F2** Words in sch. 5 Pt. 2 substituted (15.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 47\(3\)](#), [88\(2\)](#); S.S.I. 2017/119, art. 2, sch. (with arts. 3, 4)
- F3** Words in sch. 5 Pt. 2 substituted (15.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [ss. 48\(4\)](#), [88\(2\)](#); S.S.I. 2017/119, art. 2, sch. (with arts. 3, 4)

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Changes and effects yet to be applied to :

- Sch. 5 Pt. 1 words inserted by [2015 asp 10 s. 49\(6\)\(b\)](#)
- Sch. 5 Pt. 1 words inserted by [2015 asp 10 s. 49\(6\)\(c\)](#)
- Sch. 5 Pt. 1 words repealed by [2015 asp 10 s. 49\(6\)\(a\)](#)
- 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\(2\)](#)