



Licensing (Scotland) Act 2005

2005 asp 16

PART 9

MISCELLANEOUS AND GENERAL

Appeals

132 Appeals: supplementary provision

- (1) A Licensing Board whose decision is appealed under section 131 may be a party to the appeal.
- (2) In considering the appeal, the sheriff principal or, as the case may be, sheriff may hear evidence.
- (3) On determining the appeal, the sheriff principal or sheriff may make such ancillary order (including an order as to the expenses of the appeal) as the sheriff principal or sheriff thinks fit.
- (4) A sheriff principal may authorise, whether generally or specifically, any other sheriff of the sheriff principal's sheriffdom to consider and determine an appeal made to the sheriff principal under section 131(2)(a).
- (5) In this section and section 131, references to a sheriff principal include references to any sheriff authorised under subsection (4).
- (6) Any party to an appeal under section 131 may appeal to the Court of Session on a point of law against the sheriff principal's or sheriff's decision on the appeal.
- (7) A decision of a Licensing Board which is appealed under section 131 continues to have effect despite the appeal, subject to subsection (8).
- (8) Where an appeal is taken against a decision of a Licensing Board to suspend or revoke a premises licence, the sheriff principal may—
 - (a) on the application of the appellant, and
 - (b) if satisfied on the balance of convenience that it is appropriate to do so, recall the suspension or revocation pending determination of the appeal.

Status: This is the original version (as it was originally enacted).

- (9) Further provision as to the procedure in any appeal under section 131, including in particular provision as to the times by which such an appeal is to be made or determined, may be prescribed by Act of Sederunt.