



Licensing (Scotland) Act 2005

2005 asp 16

PART 3 **S**

PREMISES LICENCES

Conditions of premises licence

[^{F1}27A Power of Board to vary premises licence conditions **S**

- (1) A Licensing Board may, in relation to any prescribed matter, make a variation of the conditions to which a premises licence in respect of licensed premises within its area is subject.
- (2) The Scottish Ministers may not, under subsection (1), prescribe the age at which persons aged 18 or over may purchase alcohol as a matter in respect of which the conditions to which a premises licence is subject may be varied under this section.
- (3) A variation under subsection (1) may apply to—
 - (a) all licensed premises,
 - (b) particular licensed premises,
 - (c) licensed premises within particular parts of its area, or
 - (d) licensed premises of a particular description.
- (4) A variation under subsection (1) has effect for such period as the Board may specify in it.
- (5) The Board may make a variation under subsection (1) only where it is satisfied that the variation is necessary or expedient for the purposes of any of the licensing objectives.
- (6) Before making a variation under subsection (1), the Board must—
 - (a) publish, in the prescribed manner, notice of the proposed variation, and
 - (b) give notice of the proposed variation to—
 - (i) the persons mentioned in section 21(1)(b), (c), (ca), (d) and (e), and
 - (ii) the holders of premises licences in respect of premises to which the proposed variation would apply.

Changes to legislation: Licensing (Scotland) Act 2005, Section 27A is up to date with all changes known to be in force on or before 18 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

- (7) A notice under subsection (6) must state that any person may, by notice to the Licensing Board, make representations to the Board concerning the proposed variation before such date as the Board specifies in the notice under subsection (6).
- (8) If the Board receives any representations before the date specified, the Board—
- (a) must hold a hearing in relation to the proposed variation, and
 - (b) may give such persons who have made representations as the Board considers appropriate an opportunity to be heard at the hearing.
- (9) Where a Licensing Board makes a variation under subsection (1), the Board must—
- (a) amend the premises licence,
 - (b) within the period of one month, give notice of the variation to—
 - (i) the [F2chief constable], and
 - (ii) the holders of premises licences in respect of premises to which the variation applies,
 - (c) send a copy of the variation to the address of the premises to which the variation applies, and
 - (d) publicise the variation in such manner as the Board thinks fit.
- (10) A variation under subsection (1) does not have effect unless notice under subsection (9)(b)(ii) has been given.
- (11) In subsection (1), the power to make a variation of the conditions to which a premises licence is subject includes—
- (a) a power to make a revocation of such a variation in the same manner and subject to the same conditions, duties and limitations as the variation, and
 - (b) a power to make a variation (or a revocation of a variation) of the conditions to which a provisional premises licence is subject.]

Textual Amendments

- F1** S. 27A inserted (1.10.2011) by [Alcohol etc. \(Scotland\) Act 2010 \(asp 18\)](#), **ss. 10(1)**, 18(1) (with s. 16); S.S.I. 2011/149, art. 2, Sch.
- F2** Words in s. 27A(9)(b)(i) 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)

Changes to legislation:

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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\(2\)](#)