



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 3

#### PREMISES LICENCES

##### *Transfer of premises licence*

#### **33 Transfer on application of licence holder**

- (1) A premises licence holder may apply to the appropriate Licensing Board for the transfer of the licence to such person as is specified in the application (such person being referred to in this section as the “transferee”).
- (2) The transferee may not be an individual under the age of 18.
- (3) An application under subsection (1) must be accompanied by—
  - (a) the premises licence to which the application relates, or
  - (b) if that is not practicable, a statement of the reasons for failure to produce the licence.
- (4) Where a Licensing Board receives an application under subsection (1), the Board must give notice of it, together with a copy of the application, to the appropriate chief constable.
- (5) The appropriate chief constable must, within 21 days of the date of receipt of a notice under subsection (4), respond to the notice by giving the Licensing Board one or other of the notices mentioned in subsection (6).
- (6) Those notices are—
  - (a) a notice stating that neither—
    - (i) the transferee, nor
    - (ii) where the transferee is neither an individual nor a council, any connected person,has been convicted of any relevant offence or foreign offence, or
  - (b) a notice specifying any convictions of—
    - (i) the transferee, and

---

*Status: This is the original version (as it was originally enacted).*

---

- (ii) where the transferee is neither an individual nor a council, any connected person,  
for a relevant offence or a foreign offence.
- (7) Where the appropriate chief constable—
- (a) proposes to give a notice under subsection (6)(b), and
  - (b) considers that, having regard to any conviction to be specified in the notice, it is necessary for the purposes of the crime prevention objective that the application for transfer of the licence to the transferee be refused,
- the chief constable may include in the notice a recommendation to that effect.
- (8) Where the Licensing Board receives a notice under subsection (6)(a) in relation to an application under subsection (1), the Board must grant the application.
- (9) Where the Licensing Board receives a notice under subsection (6)(b) in relation to an application under subsection (1), the Board must hold a hearing for the purpose of considering and determining the application.
- (10) Where a hearing is held under subsection (9), the Licensing Board must, having regard to the chief constable's notice—
- (a) if satisfied that it is necessary to do so for the purposes of the crime prevention objective, refuse the application, or
  - (b) if not so satisfied, grant the application.