



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 3

#### PREMISES LICENCES

##### *Transfer of premises licence*

#### **35 Variation on transfer**

- (1) A person making an application to a Licensing Board under section 33(1) or 34(1) for transfer of a premises licence may also make an application to the Board for a variation of the licence.
- (2) Sections 29 and 30 apply in relation to an application under subsection (1) for a variation as they apply to a premises licence variation application.
- (3) Where—
  - (a) an application is made under subsection (1), and
  - (b) the applicant intimates to the Licensing Board that the application under section 33(1) or 34(1) for transfer of the premises licence is contingent on the grant of the application under subsection (1),the Licensing Board must determine the application under subsection (1) before determining the application for the transfer of the licence.
- (4) In such a case, if the Licensing Board refuses the application under subsection (1), the application for the transfer of the licence falls.
- (5) In any other case where an application under subsection (1) is made—
  - (a) the Licensing Board must first determine the application for transfer of the licence before determining the application under subsection (1), and
  - (b) if the application for the transfer of the licence is refused, the application under subsection (1) falls.

#### **Commencement Information**

**II** S. 35 in force at 1.2.2008 by [S.S.I. 2007/472](#), art. 2, [Sch. 1](#)

**Status:**

Point in time view as at 01/02/2008.

**Changes to legislation:**

Licensing (Scotland) Act 2005, Section 35 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.