



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 3

#### PREMISES LICENCES

##### *Review of premises licence*

#### **[<sup>F1</sup>39A Notification of determinations**

- (1) Where a Licensing Board, at a review hearing—
  - (a) decides to take one of the steps mentioned in section 39(2), <sup>F2</sup>...
  - (b) decides not to take one of those steps<sup>F3</sup>, or
  - (c) decides to revoke a premises licence under section 39(2A),]the Board must give notice of the decision to each of the persons mentioned in subsection (2).
- (2) The persons referred to in subsection (1) are—
  - (a) the holder of the premises licence, and
  - (b) where the decision is taken in connection with a premises licence review application, the applicant.
- (3) Where subsection (1)(a) applies, the holder of the premises licence may, by notice to the clerk of the Board, require the Board to give a statement of reasons for the decision.
- (4) Where—
  - (a) subsection (1)(a) or (b) applies, and
  - (b) the decision is taken in connection with a premises licence review application,the applicant may, by notice to the clerk of the Board, require the Board to give a statement of reasons for the decision.
- (5) Where the clerk of a Board receives a notice under subsection (3) or (4), the Board must issue a statement of the reasons for the decision to—
  - (a) the person giving the notice, and
  - (b) any other person to whom the Board gave notice under subsection (1).
- (6) A statement of reasons under subsection (5) must be issued—

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**Changes to legislation:** Licensing (Scotland) Act 2005, Section 39A is up to date with all changes known to be in force on or before 12 June 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

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- (a) by such time, and
  - (b) in such form and manner,
- as may be prescribed.]

#### Textual Amendments

- F1** S. 39A inserted (28.2.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 182(2), 206(1)**; S.S.I. 2010/413, art. 2, Sch.
- F2** Word in s. 39A(1) repealed (15.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), **ss. 45(5)(a), 88(2)**; S.S.I. 2017/119, art. 2, sch. (with arts. 3, 4)
- F3** S. 39A(1)(c) and word inserted (15.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), **ss. 45(5)(b), 88(2)**; S.S.I. 2017/119, art. 2, sch. (with arts. 3, 4)

**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\(2\)](#)