



Licensing (Scotland) Act 2005

2005 asp 16

PART 3

PREMISES LICENCES

Review of premises licence

[^{F1}39B Recall of revocation of licence under section 39(2A)

- (1) This section applies where a Licensing Board decides to revoke a premises licence under section 39(2A).
- (2) The Board must recall the revocation if—
 - (a) a relevant application is made before the end of the period referred to in section 39(2B) (“the 28 day period”), and
 - (b) the Board grants the application.
- (3) The Board may extend the 28 day period pending determination of a relevant application.
- (4) In this section, “relevant application” means—
 - (a) an application under section 33(1) for the transfer of the premises licence, or
 - (b) a premises licence variation application seeking a variation of the licence that the Board considers would remove the ground on which the licence was revoked under section 39(2A).
- (5) This section does not affect the right to appeal against the decision to revoke the licence under section 39(2A).]

Textual Amendments

- F1** S. 39B inserted (15.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), ss. **45(6)**, **88(2)**; [S.S.I. 2017/119](#), art. 2, sch. (with arts. 3, 4)

Changes to legislation:

Licensing (Scotland) Act 2005, Section 39B is up to date with all changes known to be in force on or before 25 May 2023. 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.

[View outstanding changes](#)

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\(2\)](#)