



Licensing (Scotland) Act 2005

2005 asp 16

PART 2

LICENSING BODIES AND OFFICERS

Licensing Boards

5 Licensing Boards

- (1) There is to continue to be a Licensing Board for—
 - (a) the area of each council whose area is not, at the time this section comes into force, divided into licensing divisions under section 46(1) of the Local Government etc. (Scotland) Act 1994 (c. 39) (“the 1994 Act”), and
 - (b) each licensing division of such an area which is so divided at that time.
- (2) A council whose area is not so divided at that time may subsequently make a determination that their area is to be divided into divisions for the purposes of this Act.
- (3) Where a council makes such a determination—
 - (a) there is to be a separate Licensing Board for each of the divisions,
 - (b) the Licensing Board for the council’s area is dissolved on the date on which those separate Licensing Boards are elected in accordance with schedule 1, and
 - (c) anything done by the Licensing Board for the council’s area before the Board is dissolved is, to the extent that it has effect at that time, to have effect after that time as if done by such of the separate Licensing Boards as the council may determine.
- (4) A council which has made a determination (whether under subsection (2) or section 46(1) of the 1994 Act) that their area is to be divided into divisions may revoke the determination.
- (5) Where a council revokes such a determination—
 - (a) there is to be a single Licensing Board for the whole of the council’s area,

Status: This is the original version (as it was originally enacted).

- (b) each of the Licensing Boards for the divisions is dissolved on the date on which the single Licensing Board is elected in accordance with schedule 1, and
 - (c) anything done by the Licensing Boards for the divisions before they are dissolved is, to the extent that it has effect at that time, to have effect after that time as if done by the single Licensing Board.
- (6) Subsection (7) applies where a council—
- (a) makes a determination under subsection (2), or
 - (b) revokes such a determination or a determination made under section 46(1) of the 1994 Act.
- (7) The council must, no later than 7 days after the making of the determination or the revocation—
- (a) notify the Scottish Ministers of the determination or revocation, and
 - (b) publicise it in such manner as the council sees fit.
- (8) Schedule 1 makes further provision about the constitution of Licensing Boards, their procedure and other administrative matters relating to them.