

*These notes relate to the Criminal Justice and Licensing (Scotland)
Act 2010 (asp 13) which received Royal Assent on 6 August 2010*

CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 9 - Alcohol Licensing

Section 192 - Personal licences

771. Under section 76(3) of the Licensing (Scotland) Act 2005 a personal licence is not valid if at the time it is issued the individual to whom it is issued already holds a personal licence. The 2005 Act does not prevent an applicant making a second application and a Licensing Board must grant such an application as the 2005 Act does not enable a Board to refuse an application on the grounds that an applicant already holds one.
772. This section amends the 2005 Act to enable a Licensing Board to refuse the application or hold a hearing to decide whether or not to grant the application, if the applicant already holds a personal licence or if a previous personal licence held by the applicant had been surrendered or expired in the previous three years before a new application was made.
773. The section also makes it a criminal offence not to surrender a void personal licence or attempt to use a void licence as a valid licence. The maximum penalty for this offence is a level 3 fine.