



Air Weapons and Licensing (Scotland) Act 2015

2015 asp 10

PART 2

ALCOHOL LICENSING

Fit and proper person test

46 Personal licence applications and renewals: ground for refusal

- (1) The 2005 Act is amended as follows.
- (2) In section 73 (notification of application to the chief constable), after subsection (4) insert—
 - “(5) On giving a notice under subsection (3)(a) or (b), the chief constable may also provide to the Licensing Board any information in relation to the applicant that the chief constable considers may be relevant to consideration by the Board of the application.”.
- (3) After section 73 of the 2005 Act insert—

“73A Notification of application to Licensing Standards Officer

- (1) Where a Licensing Board receive a personal licence application, the Board must give notice of it, together with a copy of the application, to a Licensing Standards Officer for the Board’s area.
 - (2) A Licensing Standards Officer may, within 21 days of the date of receipt of a notice under subsection (1), respond to the notice by giving the Licensing Board any information in relation to the applicant that the Officer considers may be relevant to consideration by the Board of the application.”.
- (4) In section 74 (determination of personal licence application)—
 - (a) in subsection (2), after paragraph (c) insert—

Status: This is the original version (as it was originally enacted).

- “(ca) no information has been provided under section 73(5) or 73A(2),”
 - (b) after subsection (5A) insert—
 - “(5AA) If—
 - (a) all of those conditions are met in relation to the applicant,
 - (b) the notice received from the chief constable under subsection (3)(a) or (b) of section 73 does not include a recommendation under subsection (4) of that section, and
 - (c) information has been provided under subsection (5) of that section or under section 73A(2),
 the Board may hold a hearing for the purpose of considering and determining the application.”
 - (c) in subsection (5B), after “(5A)” insert “or (5AA)”,
 - (d) in subsection (6)—
 - (i) for “(5) or (5A)” substitute “(5), (5A) or (5AA)”,
 - (ii) after “notice” insert “and any information provided under section 73(5) or 73A(2)”,
 - (iii) in paragraph (a), for the words from “it” to “objectives” substitute “a ground for refusal applies”,
 - (e) after subsection (6) insert—
 - “(6A) The grounds for refusal are—
 - (a) that, having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a personal licence,
 - (b) that it is otherwise necessary to refuse the application for the purposes of any of the licensing objectives.”.
- (5) In section 78 (renewal of personal licence), in subsection (5), for “73 and 74” substitute “73, 73A and 74”.