



Air Weapons and Licensing (Scotland) Act 2015

2015 asp 10

PART 2

ALCOHOL LICENSING

Transfer of premises licences

PROSPECTIVE

49 Transfer of premises licences

- (1) The 2005 Act is amended as follows.
- (2) In section 33 (transfer of premises licence on application of licence holder)—
- (a) for subsections (1) to (3) substitute—
- “(1) Any person, other than an individual under the age of 18, may apply to the appropriate Licensing Board for the transfer of a premises licence to the person (such person being referred to in this section and section 33A as the “transferee”).
- (1A) An application under subsection (1) must—
- (a) specify the date on which the transfer is to take effect, and
- (b) be accompanied by—
- (i) the premises licence to which the application relates or, if that is not practicable, a statement of the reasons for failure to produce the licence, and
- (ii) a written statement signed by the holder of the premises licence consenting to its transfer to the transferee (a “consent statement”) or, if that is not practicable, a statement of the reasons for failure to obtain the licence holder's written consent.”

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Air Weapons and Licensing (Scotland) Act 2015, Section 49. (See end of Document for details)

- (b) in subsection (4), after “constable” insert “, unless the Board must refuse the application under subsection (8A) ”,
 - (c) in subsection (8), before paragraph (a) insert—
 - “(za) the application is accompanied by a consent statement referred to in subsection (1A)(b)(ii),”,
 - (d) after subsection (8) insert—
 - “(8A) If the application is not accompanied by a consent statement referred to in subsection (1A)(b)(ii), the Board must refuse the application, unless the Board dispenses with the requirement for a consent statement under section 33A(4).”.
- (3) The title of section 33 becomes “ **Application for transfer of premises licence** ”.
- (4) After section 33 insert—

“33A Application for transfer: further provision

- (1) This section applies where a Licensing Board receives an application under section 33(1) for the transfer of a premises licence.
 - (2) The Board must take all reasonable steps to give notice of the application to the premises licence holder.
 - (3) Subsection (4) applies where the application is not accompanied by a consent statement referred to in section 33(1A)(b)(ii).
 - (4) The Board may dispense with the requirement for a consent statement if satisfied that the transferee has taken all reasonable steps to contact the premises licence holder in order to obtain consent but has received no response.
 - (5) Where the Board decides under subsection (4) not to dispense with the requirement for a consent statement, the Board must give notice of the decision, and of the reasons for it, to the transferee.
 - (6) Where the Board decides under subsection (4) to dispense with the requirement for a consent statement the Board must hold a hearing under section 33(9) for the purpose of considering and determining the application.
 - (7) Where the Board grants the application, the transfer of the licence takes effect—
 - (a) on the date specified in the application in accordance with section 33(1A)(a), or
 - (b) where the Board grants the application after that date, on such date as the Board may determine.”.
- (5) Section 34 (transfer on application of person other than licence holder) is repealed.
- (6) In Part 1 of schedule 5 (appeals to the sheriff principal)—
- (a) in column 1 of the entry relating to a decision to refuse an application under section 33(1) or 34(1) for transfer of a premises licence, the words “or 34(1)” are repealed,
 - (b) in column 2 of that entry, after “applicant” insert “ or the premises licence holder ”,

Status: This version of this provision is prospective.

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(c) after that entry insert—

“A decision to grant an application under section 33(1) for transfer of a premises licence	The person from whom the premises licence is to be transferred
A decision under section 33A(4), in relation to an application under section 33(1) for transfer of a premises licence, not to dispense with the requirement for a consent statement	The applicant”.

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Air Weapons and Licensing (Scotland) Act 2015, Section 49.