



# Air Weapons and Licensing (Scotland) Act 2015

2015 asp 10

## PART 2

### ALCOHOL LICENSING

#### *Miscellaneous*

#### **61 Processing and deemed grant of applications**

- (1) The 2005 Act is amended as follows.
- (2) After section 134 insert—

#### **“134ZA Duty to acknowledge applications**

- (1) This section applies where a Licensing Board receive a relevant application.
- (2) In a case where the Licensing Board are satisfied that the application meets the prescribed requirements they must, unless subsection (3) applies, give an acknowledgement to the applicant—
  - (a) confirming that they are satisfied that the application meets the prescribed requirements,
  - (b) listing any documents received in support of the application and the date or dates on which the documents were received by them, and
  - (c) informing the applicant about the period for determining the application under section 134ZB.
- (3) This subsection applies where the Licensing Board consider it appropriate to determine the application on its merits without first giving an acknowledgement to the applicant.
- (4) In a case where the Licensing Board are not satisfied that the application meets the prescribed requirements, they must give a notice to the applicant—

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- (a) indicating that they are treating the application as incomplete and not having been made, and
  - (b) stating their reasons for treating the application in that way.
- (5) Subsection (4) does not prevent an applicant from submitting further information in support of the application if that is otherwise competent.
- (6) A Licensing Board must give an acknowledgement under subsection (2) or give a notice under subsection (4) as soon as is practicable.
- (7) For the purposes of this section, “prescribed requirements”, in relation to a relevant application, means the requirements (as to form, content, etc.) which are imposed by or under this Act or any other enactment in respect of the type of relevant application in question.
- (8) In this section, a “relevant application” is—
- (a) a premises licence application,
  - (b) a premises licence variation application,
  - (c) an application under section 33(1) to transfer a premises licence,
  - (d) an application under section 35(1) for variation of a premises licence on transfer,
  - (e) a provisional premises licence application,
  - (f) an application under section 46 for confirmation of a provisional premises licence,
  - (g) an application under section 47(2) for a temporary premises licence,
  - (h) an occasional licence application,
  - (i) an extended hours application,
  - (j) a personal licence application,
  - (k) a personal licence renewal application.

### **134ZB Period for determination of applications**

- (1) A Licensing Board must determine every relevant application which meets the prescribed requirements (including an application mentioned in subsection (2)) before the end of the period of 9 months beginning with (the later of)—
- (a) the date on which the Licensing Board received the application, or
  - (b) where the application did not initially meet the prescribed requirements, the date on which the application met the prescribed requirements.
- (2) Where a Licensing Board consider it appropriate to determine a relevant application without first giving an acknowledgement under section 134ZA(2), they must determine the application as soon as is practicable.
- (3) A sheriff of the appropriate sheriffdom may, on an application by a Licensing Board in relation to a relevant application, extend the period for determining the application under subsection (1).
- (4) The sheriff may extend the period only if—
- (a) it appears to the sheriff that there is a good reason to do so, and

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- (b) no previous extension has been granted in relation to the relevant application.
- (5) The applicant in relation to a relevant application is entitled to be a party to proceedings on an application to a sheriff under subsection (3).
- (6) In this section—
  - “prescribed requirements” has the same meaning as in section 134ZA,
  - “relevant application” has the same meaning as in section 134ZA.

### **134ZC Deemed grant of applications**

- (1) Subsection (2) applies where a Licensing Board have failed to determine a relevant application before the expiry of the determination period.
- (2) Where this subsection applies—
  - (a) the application is deemed to have been granted on the date on which the determination period expired, and
  - (b) the deemed grant of the application has the same effect, for the purposes of this Act, as if the application had been granted by the Licensing Board.
- (3) A Licensing Board may not impose any conditions (other than those which they must impose under this Act) in respect of an application which is deemed to have been granted under subsection (2).
- (4) Subsection (5) applies in relation to an application—
  - (a) that is deemed to have been granted under subsection (2), and
  - (b) in respect of which the Licensing Board must, on granting such an application, determine the period during which the thing applied for is to have effect.
- (5) The thing applied for is to have effect for the duration of the period stated in the application (subject to any limits imposed by this Act).
- (6) In this section—
  - “determination period” means, in relation to a relevant application, the period for determining the application under section 134ZB(1) including (if applicable) any extension to that period granted under subsection (3) of that section,
  - “prescribed requirements” has the same meaning as in section 134ZA,
  - “relevant application” has the same meaning as in section 134ZA.”.