

# **CORONAVIRUS (SCOTLAND) ACT 2020**

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## **EXPLANATORY NOTES**

### **DETAIL ABOUT PROVISIONS**

#### *Schedule 5 – Alcohol licensing*

#### **Requirement to hold a hearing**

186. Paragraph 1 of schedule 5 of the Act sets out modifications to the operation of provisions in section 133 of the Licensing (Scotland) Act 2005 (“the 2005 Act”) relating to requirements falling on Licensing Boards to hold hearings.
187. Paragraph 1 provides that section 133 has effect as if new subsections (3A) to (3D) were inserted into that section. These new subsections provide flexibility for the Licensing Board in respect of holding in-person hearings. New subsection (3A) enables the Licensing Board to determine that a hearing cannot be held in person, or at a meeting of the Licensing Board, because of reasons relating to coronavirus. Where such a determination is made, the Board must comply with new subsection (3C) before reaching a decision on the matter which would have been the subject of the hearing.
188. New subsection (3C) obliges the Licensing Board to give any person who would have been heard at the hearing the opportunity to be heard either by telephone, in written representations (including by electronic communication) or, where available, by video conference.
189. Subsection (3D) ensures that any procedural requirements made by regulations under the 2005 Act are classed as being adhered to notwithstanding a hearing in person has not taken place.