

# **CORONAVIRUS (SCOTLAND) ACT 2020**

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## **EXPLANATORY NOTES**

### **DETAIL ABOUT PROVISIONS**

#### ***Schedule 5 – Alcohol licensing***

##### **Personal licence holders**

198. Paragraph 3 sets out a number of modifications to the operation of provisions in the 2005 Act relating to personal licence holders.
199. Section 77 of the 2005 Act makes provision relating to the period of effect of a personal licence. Section 78 of the 2005 Act makes provision relating to the renewal of a personal licence. Section 87 of the 2005 Act makes provision relating to a personal licence holder's duty to undertake training.
200. Subparagraphs (2), (3) and (4) of paragraph 3 modify sections 77, 78 and 87 of the 2005 Act respectively.
201. A personal licence has effect for a period of 10 years from the date of issue (see section 77 of the 2005 Act). On application by the licence holder, a personal licence can be renewed for further 10 year periods. If a personal licence renewal application (made under section 78 of the 2005 Act) is not determined by a Licensing Board before the expiry date of the licence, the personal licence ceases to have effect. Paragraph 3(2) provides that where a personal licence renewal application is made and the Board has not determined the application before the expiry date, the licence will continue to have effect for a period of 6 months. This provides additional time for a Licensing Board to determine an application. This provides flexibility for Licensing Boards when capacity may be reduced due to the coronavirus outbreak, and is also necessary in light of the modifications made by paragraph 3(3) of schedule 5 of the Act.
202. Section 78 of the 2005 Act provides that a personal licence holder may make a personal licence renewal application during the period from 12 months prior to the expiry date up to three months prior to the expiry date. Paragraph 3(3) of schedule 5 of the Act has the effect that a personal licence renewal application may be made up to the day before the expiry date of the licence. That is provided the Licensing Board is satisfied that, for a reason relating to coronavirus, the licence holder was unable to make the application within the usual period allowed. This means a personal licence holder is no longer required to apply for renewal at least 3 months prior to the expiry date.
203. Paragraph 3(4) provides that if the Licensing Board is satisfied that the coronavirus outbreak means completion of necessary training cannot be done in line with the timescales in section 87 of the 2005 Act, the Licensing Board can extend the period up to a length of time of their choosing for completion of the necessary training and for the licence holder to provide evidence of having undertaken that training. The Licensing Board can, by virtue of new section 87(3B), extend the period more than once.