

CORONAVIRUS (SCOTLAND) ACT 2020

EXPLANATORY NOTES

DETAIL ABOUT PROVISIONS

Schedule 5 – Alcohol licensing

Modification of the Licensing (Procedure) (Scotland) Regulations 2007

220. Paragraph 8 modifies the operation of the Licensing (Procedure) (Scotland) Regulations 2007 ([S.S.I. 2007/343](#)) (“the Procedure Regulations”).
221. Regulations 12 and 13 of the Procedure Regulations provide that hearings under various provisions of the 2005 Act must take place within a certain time period. Paragraph 8(2) and (3) provide that the Procedure Regulations have effect as if regulations 12A and 13A were inserted into those Regulations. New regulations 12A(1) and 13A(1) provide that if, for a reason relating to coronavirus, a Licensing Board is unable to hold a hearing within the period required by regulation 12 or 13 (as the case may be), the Board must hold the hearing as soon as reasonably practicable after the end of that period. New regulations 12A(2) and 13A(2) of the Procedure Regulations make consequential provision in light of the modifications to section 133 of the 2005 Act made by paragraph 1 of schedule 5 of the Act.
222. Regulation 15 of the Procedure Regulations requires the clerk of a Licensing Board to issue a statement of reasons for certain decisions of the Board within 14 days of receipt of a notice requesting those reasons. Where, for a reason relating to coronavirus, reasons cannot be issued within 14 days, the modification made by paragraph 8(4) of schedule 5 enables the clerk to notify the person who required the statement of reasons to be given that there will be a delay and to issue the statement of reasons as soon as reasonably practicable after the end of the 14 day period.
223. Regulation 20(2) to (4) of the Procedure Regulations require a Licensing Board to carry out certain duties related to updating of licences or issuing replacement licences or summaries of licences, within 14 days of certain events. Where, for a reason relating to coronavirus, a Licensing Board is unable to carry out those duties within 14 days, paragraph 8(5) provides that the Board is to respond as soon as reasonably practicable afterwards.