
Status: Point in time view as at 07/04/2020.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) Act 2020, Paragraph 2. (See end of Document for details)

SCHEDULE 5 ALCOHOL LICENSING

Premises licences

- 2 (1) The Licensing (Scotland) Act 2005 applies in accordance with the modifications in this paragraph.
- (2) Section 28 (period of effect of premises licence) has effect as if—
- (a) in subsection (2), after “section 34(1)”, there were inserted “ or if an application for the transfer of the licence is accepted by the Licensing Board under section 34(1A) ”,
 - (b) after subsection (5) there were inserted—

“(5A) For the avoidance of doubt, a licensed premises does not cease to be used for the sale of alcohol, for the purposes of subsection (5)(b), if the premises cease to be used for the sale of alcohol for a temporary period for a reason relating to coronavirus.”.
- (3) Section 34 (transfer on application of person other than licence holder) has effect as if after subsection (1) there were inserted—

“(1A) If, for a reason relating to coronavirus, a person is unable to apply to the Licensing Board within the period set out in subsection (1), the Board may accept an application that is made after the end of that period.”.
- (4) Section 39 (licensing board's powers on review) has effect as if after subsection (3) there were inserted—

“(3A) Where a Licensing Board determines under section 133(3A) that a review hearing cannot be held in person—

 - (a) subsection (1) of this section is to have effect as if for “At a review hearing” there were substituted “ After having complied with section 133(3C) ”, and
 - (b) subsection (2A) of this section is to have effect as if for “at a review hearing” there were substituted “ after having complied with section 133(3C) ”.”.
- (5) Section 45 (provisional premises licence) has effect as if—
- (a) in subsection (7), at the beginning, there were inserted “Subject to subsection (7A),”,
 - (b) after subsection (7) there were inserted—

“(7A) On the first application of the holder of a provisional premises licence made before the expiry of the provisional period, the Licensing Board which issued the licence must extend the provisional period by 6 months if the Board—

 - (a) is satisfied as to the matter mentioned in subsection (8), and
 - (b) is satisfied that the reason for the delay is a reason relating to coronavirus.”, and
 - (c) in subsection (9), after “subsection (7)” there were inserted “ or (7A) ”.
- (6) Section 54 (dismissal etc. of premises manager) has effect as if—
- (a) in subsection (3), for “7 days” there were substituted “ 28 days ”,

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- (b) for subsection (4)(b) there were substituted—
- “(b) either—
- (i) within the period of 3 months beginning with the day on which the event occurs, a premises licence variation application is made seeking a variation of the premises licence in respect of the premises so as to substitute another individual as the premises manager, or
 - (ii) if, for a reason relating to coronavirus, such an application cannot be made within the period mentioned in sub-paragraph (i) but the Licensing Board extends that period on a request from the applicant, such an application is made within that extended period.”.

(7) Section 69 (notification of extended hours application) has effect as if—

- (a) after subsection (2) there were inserted—
- “(2A) If the chief constable intends to object to an application but is, for a reason relating to coronavirus, unable to give notice of the objection to the Licensing Board within the period mentioned in subsection (2) —
- (a) the chief constable must, within that period, make the Board aware of that situation, and
 - (b) if the chief constable gives notice of the objection after the end of that period, the Board may take the objection into account if the Board considers it reasonable to do so.”,

(b) after subsection (3) there were inserted—

- “(3A) If a Licensing Standards Officer is, for a reason relating to coronavirus, unable to prepare and submit a report to the Licensing Board within the period mentioned in subsection (3)—
- (a) the Licensing Standards Officer must, within that period, make the Board aware of that situation, and
 - (b) the Board may take into account a report that is submitted after the end of that period if the Board considers it reasonable to do so.”.

(8) Schedule 3 (premises licences: mandatory conditions) has effect as if in paragraph 3—

- (a) the existing text were sub-paragraph (1), and
- (b) after that sub-paragraph there were inserted—
- “(2) If food is sold on the premises but the operating plan contained in the licence does not contain an express term to the effect that food may be taken away, or delivered, from the premises for consumption off the premises, a term to that effect is to be implied into the operating plan.”.

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