

SCHEDULE 5 ALCOHOL LICENSING

Licensing Boards etc.

- 4 (1) The Licensing (Scotland) Act 2005 applies in accordance with the modifications in sub-paragraphs (2) to (6).
- (2) Section 9A (annual functions report) has effect as if after subsection (1) there were inserted—
- “(1A) If, for a reason relating to coronavirus, a Licensing Board is unable to comply with subsection (1), the Board must—
- (a) not later than 3 months after the end of the financial year, publish on its website (or, if it does not have one, on the website of the council for the Board’s area)—
 - (i) the fact that the Board is unable to comply with subsection (1) and the reason for that, and
 - (ii) the Board’s estimate as to when it will publish the report, and
 - (b) prepare and publish the report not later than 9 months after the end of the financial year.”.

(3) Section 9B (annual financial report) has effect as if after subsection (1) there were inserted—

“(1A) If, for a reason relating to coronavirus, a Licensing Board is unable to comply with subsection (1), the Board must—

 - (a) not later than 3 months after the end of the financial year, publish on its website (or, if it does not have one, on the website of the council for the Board’s area)—
 - (i) the fact that the Board is unable to comply with subsection (1) and the reason for that, and
 - (ii) the Board’s estimate as to when it will publish the report, and
 - (b) prepare and publish the report not later than 9 months after the end of the financial year.”.

(4) Section 135 (power to relieve failure to comply with rules and other requirements) has effect as if for subsection (1) there were substituted—

“(1) A Licensing Board may relieve any failure by the Board or by any applicant or other party to proceedings before the Board to comply with any procedural provision if—

 - (a) in the case of a failure by—
 - (i) the Board, the failure is due to an excusable cause and that excusable cause relates to coronavirus,
 - (ii) any applicant or other party to proceedings before the Board, the failure is due to mistake, oversight or other excusable cause, and
 - (b) the Board considers it appropriate in all the circumstances to relieve the failure.”.

Status: This is the original version (as it was originally enacted).

(5) Schedule 1 (licensing boards) has effect as if—

(a) in paragraph 10—

(i) after sub-paragraph (1) there were inserted—

“(1A) If a Licensing Board considers it necessary for a reason relating to coronavirus, the Board may authorise (whether generally or specifically) any committee established by the Board, and consisting of no fewer than 3 members, to exercise on behalf of the Board any of the functions mentioned in sub-paragraph (2).”

(ii) after sub-paragraph (2) there were inserted—

“(2A) For the purposes of sub-paragraph (2)(g), “hearing” includes giving persons an opportunity to be heard in accordance with section 133(3C).”

(b) in paragraph 11—

(i) after sub-paragraph (2) there were inserted—

“(2A) Sub-paragraph (2B) applies if, for a reason relating to coronavirus, a member of a Licensing Board cannot produce to the clerk of the Board evidence of having complied with the requirements mentioned in sub-paragraph (1) within the period mentioned in sub-paragraph (1).

(2B) The member must, no later than one month after the expiry of each 9 month period, produce to the clerk evidence that the member has, during the period, complied with the requirements mentioned in sub-paragraph (1).

(2C) In sub-paragraph (2B), “9 month period” means, in relation to a member of a Licensing Board—

- (a) the period of 9 months beginning on the day on which the member is elected, and
- (b) if the member is re-elected, the period of 9 months beginning with the day on which the member is re-elected.”

(ii) after sub-paragraph (3) there were inserted—

“(3A) Where sub-paragraph (2B) applies in relation to a member of a Licensing Board—

- (a) sub-paragraph (3) does not apply to the member,
- (b) the member must not take part in any proceedings of the Board until the clerk of the Board has briefed the member (in person or otherwise) about—
 - (i) the role of a member of the Board,
 - (ii) decision-making by public authorities, and
 - (iii) the different licences governed by this Act.”

Status: This is the original version (as it was originally enacted).

- (c) in paragraph 12(1), for “one half” there were substituted “one third”, and
 - (d) in paragraph 12(2), after “public” there were inserted “unless the Board determines that a meeting cannot be held in public for a reason relating to coronavirus”.
- (6) In schedule 2 (local licensing forums), paragraph 5(3) has effect as if after “public” there were inserted “unless the Forum determines that a meeting cannot be held in public for a reason relating to coronavirus”.
- (7) The Licensing (Training) (Scotland) Regulations 2007 ([S.S.I. 2007/95](#)) apply in accordance with the modification in sub-paragraph (8).
- (8) Regulation 3 (training of Licensing Board members) has effect as if after “3 months” there were inserted “(or, where paragraph 11(2B) of the schedule applies in relation to a member, within 9 months)”.