

*These notes relate to the Licensing (Scotland) Act 2005
(asp 16) which received Royal Assent on 21 December 2005*

LICENSING (SCOTLAND) ACT 2005

EXPLANATORY NOTES

COMMENTARY ON PARTS

Part 5 – Licensed Hours

Section 64 – 24 hour licences to be granted only in exceptional circumstances

135. The presumption provided here is against 24 hour opening in Scotland for on and off sales. However, subsection (2) provides that Boards are entitled to agree exceptions to that presumption but only if satisfied that there are exceptional circumstances justifying it. This is a test which will have to be applied on a case by case basis. Guidance will set out national guidelines on the policy that should be adopted by Licensing Boards in relation to circumstances that might merit 24 hour opening. Boards are required to set out their policy on licensing hours for their area in their policy statements.