



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 6

#### PERSONAL LICENCES

##### *Endorsements*

#### **85 Expiry of endorsements**

- (1) In this section and section 86, “endorsement” means an endorsement made in a personal licence by virtue of an order under—
  - (a) section 83(9)(c), or
  - (b) section 84(7)(c).
- (2) An endorsement expires at the end of the period of 5 years beginning with the date on which the endorsement was made.
- (3) The holder of a personal licence containing an endorsement which has expired under subsection (2) may apply to the Licensing Board which issued the licence for removal of the endorsement.
- (4) An application under subsection (3) must be accompanied by the personal licence to which it relates.
- (5) Where a Licensing Board receives an application under subsection (3) in relation to any personal licence, the Board must amend the licence so as to remove the endorsement from it.
- (6) For the purposes of this Act, any endorsement which has expired under subsection (2) is to be disregarded (whether or not the endorsement has been removed under subsection (5)).

#### **Commencement Information**

**II** S. 85 in force at 1.2.2008 by [S.S.I. 2007/472](#), art. 2, [Sch. 1](#)

*Changes to legislation: Licensing (Scotland) Act 2005, Cross Heading: Endorsements is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## 86 Suspension of licence after multiple endorsements

- (1) Where 3 endorsements have been made in any personal licence, the Licensing Board which issued the licence must hold a hearing.
- (2) At the hearing, the Licensing Board may—
  - (a) after giving—
    - (i) the holder of the licence, and
    - (ii) such other persons as the Board considers appropriate, an opportunity to be heard, and
  - (b) if they consider it necessary to do so for the purposes of any of the licensing objectives,make an order under subsection (3).
- (3) That is an order—
  - (a) suspending the licence for such period, not exceeding 6 months, as the Board considers appropriate, or
  - (b) revoking the licence.
- (4) Where the Licensing Board makes an order under subsection (3), the Board must give the licence holder notice of the order and of the reasons for making it.

### Commencement Information

**I2** S. 86 in force at 1.2.2008 by [S.S.I. 2007/472](#), art. 2, [Sch. 1](#)

**Changes to legislation:**

Licensing (Scotland) Act 2005, Cross Heading: Endorsements is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- specified provision(s) Appointed Day(s) by [S.S.I. 2006/239 art. 2](#) (This S.S.I. is revoked on 25.5.2006 by S.S.I. 2006/286, art. 6)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 33(1)(1A) substituted for s. 33(1)-(3) by [2015 asp 10 s. 49\(2\)\(a\)](#)
- s. 33(8)(za) inserted by [2015 asp 10 s. 49\(2\)\(c\)](#)
- s. 33(8A) inserted by [2015 asp 10 s. 49\(2\)\(d\)](#)
- s. 33A inserted by [2015 asp 10 s. 49\(4\)](#)
- s. 134ZA-134ZC inserted by [2015 asp 10 s. 61\(2\)](#)