



Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

PART 9

ALCOHOL LICENSING

192 Personal licences

- (1) The 2005 Act is amended as follows.
- (2) In section 74 (determination of personal licence application)—
 - (a) in subsection (2)—
 - (i) the word “and” immediately following paragraph (a) is repealed, and
 - (ii) after paragraph (b) add—
 - “(c) the notice does not include a recommendation under section 73(4),
 - (d) the applicant has signed the application, and
 - (e) subsection (8) does not apply,”
 - (b) in subsection (3)—
 - (i) the word “and” immediately following paragraph (b) is repealed, and
 - (ii) after paragraph (b) insert—
 - “(ba) the applicant does not already hold a personal licence, and”, and
 - (c) after subsection (6) insert—
 - “(7) Subsection (8) applies if—
 - (a) all of the conditions specified in subsection (3) are met in relation to the applicant,
 - (b) the Board has received from the appropriate chief constable a notice under section 73(3)(a), and
 - (c) the applicant has held a personal licence which—
 - (i) expired within the period of 3 years ending on the day on which the application was received, or

Status: This is the original version (as it was originally enacted).

(ii) was surrendered by the applicant by notice under section 77(6) received within that period.

(8) The Licensing Board may—

- (a) hold a hearing for the purposes of considering and determining the application, and
- (b) after having regard to the circumstances in which the personal licence previously held expired or, as the case may be, was surrendered—
 - (i) refuse the application, or
 - (ii) grant the application.”.

(3) In section 76 (issue of licence), after subsection (3) add—

- “(4) A person who holds a void personal licence must surrender it to the Licensing Board.
- (5) A person who, without reasonable excuse, fails to comply with subsection (4) commits an offence.
- (6) A person who passes off a void personal licence as a valid personal licence knowing that the licence is void commits an offence.
- (7) A person guilty of an offence under subsection (5) or (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(4) In section 92 (theft, loss etc. of personal licence), after subsection (3) insert—

- “(3A) A replacement personal licence is void if at the time it is issued the personal licence in respect of which it was issued is not lost, stolen, damaged or destroyed.
- (3B) Where a replacement personal licence is issued in respect of a personal licence which has been lost or stolen, the replacement personal licence becomes void if the personal licence is subsequently found or recovered.
- (3C) A person who holds a void replacement personal licence must surrender it to the Licensing Board.
- (3D) A person who, without reasonable excuse, fails to comply with subsection (3C) commits an offence.
- (3E) A person who passes off a void replacement personal licence as a valid licence, knowing that the licence is void, commits an offence.
- (3F) A person guilty of an offence under subsection (3D) or (3E) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.