

SCHEDULE 1

MODIFICATIONS OF PUBLIC GENERAL ACTS

The Licensing (Scotland) Act 1976 (c. 66)

8.—(1) The Licensing (Scotland) Act 1976 is amended as follows.

(2) In subsection (1) of section 16 (objections in relation to applications), in paragraph (e)(1) at the beginning insert “where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies to the premises, the enforcing authority or, in any other case,”.

(3) In section 23 (special provisions relating to applications for a new licence)—

(a) in subsection (5)(2), for the words from “the”, where it third occurs, to the end of the subsection substitute—

“(a) where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies (or, in the case of an application for the provisional grant of a licence in respect of premises whose construction is to be completed, would apply) to the premises to which the new licence relates, the enforcing authority;

(b) in any other case, the fire and rescue authority for the area in which the premises are, or (as the case may be) will be, situated.”; and

(b) in subsection (6)(3), after “with” insert “the enforcing authority or, as the case may be,”.

(4) In section 24 (special provisions relating to applications for renewal of a licence), in subsection (1)(4), for the words from “the”, where it third occurs, to the end of the subsection substitute—

“(a) where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies to the premises to which the application for such renewal relates, the enforcing authority;

(b) in any other case, the fire and rescue authority for the area in which those premises are situated.”.

(5) In section 35 (consent of licensing board for reconstruction etc. of certain licensed premises), in subsection (3), for the words from “the”, where it second occurs, to the end of the subsection substitute—

“(a) where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies to premises in respect of which such consent is sought, the enforcing authority;

(b) in any other case, the fire and rescue authority for the area in which those premises are situated.”.

(6) In section 105 (procedure on application for grant or renewal of certificate of registration), in subsection (3), for paragraph (c) substitute—

“(c) where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies to the premises to which the application relates, the enforcing authority or, in any other case, the fire and rescue authority for the area in which those premises are situated.”.

(7) In section 139(1), after the definition of “enactment” insert—

(1) Paragraph (e) of section 16(1) was inserted by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40) Schedule 8, and amended by the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) schedule 3.

(2) Subsection (5) of section 23 was amended by the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) schedule 3.

(3) Subsection (6) of section 23 was amended by the [Building \(Scotland\) Act 2003 \(asp 8\)](#) schedule 6 and by the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) schedule 3.

(4) Subsection (1) of section 24 was amended by the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) schedule 3.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Fire (Scotland) Act 2005 (Consequential Modifications and Savings) Order 2006 No. 475*

“enforcing authority” has the meaning given by section 61(9) of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#).”.