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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 336**

**The Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007 and shall come into force on 1st February 2008.

(2) In these Regulations—

“the Act” means the Licensing (Scotland) Act 2005; and

“adult entertainment” means any form of entertainment which—

- (a) involves a person performing an act of an erotic or sexually explicit nature; and
- (b) is provided wholly or mainly for the sexual gratification or titillation of the audience.

**Mandatory condition – all premises**

2. The condition specified in paragraph 1 of the Schedule must be imposed by a Licensing Board on the granting by it of a premises licence falling within section 27(4) of the Act.

**Mandatory conditions – certain premises**

3.—(1) The conditions specified in paragraphs 2 to 6 of the Schedule must be imposed by a Licensing Board on the granting by it of a premises licence falling within section 27(4) of the Act if it appears to the Board from the operating plan for the premises that they fall within the description in paragraph (2).

(2) That description is premises (other than premises to which paragraph (3) applies) the capacity of which is at least 250 people and which—

- (a) will regularly provide at any time in the period between 1:00 am and 5:00 am—
  - (i) live or recorded music with a decibel level exceeding 85dB;
  - (ii) facilities for dancing; or
  - (iii) adult entertainment; or
- (b) when fully occupied, are likely to have more customers standing than seated.

(3) This paragraph applies to premises—

- (a) the primary function of which is the service of food;
- (b) which include, or are part of larger premises which include, at least 6 letting bedrooms;
- (c) in respect of which a licence under section 12 of the Theatres Act 1968(1) or section 1 of the Cinemas Act 1985(2) is in force; or
- (d) which are, or are part of, an art gallery.

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(1) 1968 c. 54; section 12 was amended by S.S.I. 2006/475.

(2) 1985 c. 13; section 1 was amended by S.S.I. 2006/475.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St Andrew's House,  
Edinburgh  
21st June 2007

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