

*Status: Point in time view as at 24/11/2005.*

**Changes to legislation:** There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed), SCHEDULE 4. (See end of Document for details)

## SCHEDULES

### SCHEDULE 4

Section 53.

#### SUNDAY OPENING OF PREMISES IN RESPECT OF WHICH A PUBLIC HOUSE LICENCE OR REFRESHMENT LICENCE IS OR WILL BE IN FORCE AND SUNDAY RESTRICTION ORDERS RELATING TO LICENSED PREMISES

##### PART I

###### APPLICATIONS FOR SUNDAY OPENING

- 1 Applications may be made to a licensing board in accordance with the provisions of this Schedule for permission to open premises on Sundays . . . <sup>F1</sup>, and any such application is referred to in this Schedule as “an application for Sunday opening”.

##### Textual Amendments

- F1** Words repealed by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 68A:2\), s. 46\(8\)\(a\), Sch. 9](#) (s. 46 of that Act, by virtue of which the specified words ceased to have effect, was brought into force on 1.1.1991 by s. 75(3)(a) of that same 1990 Act; the repeal of the specified words by Sch. 9 of that Act was expressed to be brought into force so far as not already in force on 17.3.1993 by [S.I. 1993/641, art. 3, Sch.](#))
- 2 The holder of a public house licence or a refreshment licence in respect of any premises may make an application for Sunday opening of the premises, and any such application shall be in such form as may be prescribed, shall be completed and signed by the applicant or his agent and shall be lodged with the clerk of the licensing board within whose area the premises are situated not later than five weeks before the first day of the meeting of the board at which the application is to be considered.
- 3 The clerk of a licensing board shall, not later than three weeks before the first day of the meeting of the board at which the applications are to be considered, cause to be published in one or more newspapers circulating in the area of the board a list of all competent applications for Sunday opening made to the board under paragraph 2 above.
- 4 The list mentioned in paragraph 3 above shall specify—  
(a) the name, designation and address of the applicant;  
(b) the address of the premises in respect of which the application is made;  
(c) the first day of the meeting of the licensing board at which the application is to be considered.
- 5 Section 10(2)(b) and section 10(5) of this Act shall, with any necessary modifications, apply in relation to an application for Sunday opening as they apply in relation to an application for the grant of a new licence.

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- 6 It shall be competent for any person mentioned in section 16(1) of this Act to object in relation to any application made under paragraph 2 above, and the provisions of subsections (2) to (4) of that section shall apply in relation to such objections.
- 7 A licensing board shall refuse an application made under paragraph 2 above if it is satisfied that the opening and use on a Sunday of the premises to which the application relates would cause undue disturbance or public nuisance in the locality, but otherwise shall grant the application.
- 8 The consequence of the refusal of an application under paragraph 7 above in respect of any premises is that, except as otherwise provided by this Act there shall be no permitted hours in those premises on a Sunday.
- 9 An applicant may appeal to the sheriff against a decision of a licensing board to refuse an application under paragraph 7 above.
- 10 Any competent objector who appeared at the hearing of any application made under paragraph 2 above may appeal to the sheriff against a decision of the licensing board to grant the application.
- 11 A licensing board shall not within two years of its refusal of an application made under paragraph 2 above in respect of any premises entertain another such application in respect of those premises.
- 12—14. . . . . F2

**Textual Amendments**

**F2** Sch. 4 paras. 12–14 repealed by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 68A:2), ss. 46(8)(d), 74, Sch.9 (s. 46 of that Act, by virtue of which the specified paragraphs ceased to have effect, was brought into force on 1.1.1991 by s. 75(3)(a) of that same 1990 Act; the repeal of the specified paragraphs by Sch. 9 of that Act was expressed to be brought into force so far as not already in force on 17.3.1993 by S.I. 1993/641, art. 3,Sch.)

- 15 The grant of an application for Sunday opening under paragraph 2 . . . F3 shall come into effect on the making of the grant except that where there were objections at the hearing the grant shall not come into effect until—
  - (a) the time within which an appeal may be made has elapsed, or
  - (b) where an appeal has been lodged, the appeal has been abandoned or determined in favour of the applicant for the grant.

**Textual Amendments**

**F3** Words in Sch. 4 para. 15 repealed by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 68A:2), ss. 46(8)(b), 74(2), Sch.9 (s. 46 of that Act, by virtue of which the specified words ceased to have effect, was brought into force on 1.1.1991 by s. 75(3)(a) of that same 1990 Act; the repeal of the specified words by Sch. 9 of that Act was expressed to be brought into force so far as not already in force on 17.3.1993 by S.I. 1993/641, art. 3,Sch.)

- [F4]15A If an application for renewal of a public house licence or a refreshment licence includes a statement that the applicant intends that the premises should be open for the sale or supply of alcoholic liquor during the permitted hours on a Sunday and if there is currently in force the grant of an application for Sunday opening, that grant shall continue to have effect—

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- (a) until the renewal application is granted by the board;
- (b) if the renewal application is refused by the board, or refused in respect of Sunday opening, until the time within which an appeal may be made has elapsed, or if an appeal has been lodged, until the appeal has been abandoned or determined.]

**Textual Amendments**

**F4** Sch. 4 para. 15A inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 68A:2), s. 46(8)(c)

16, 17. . . . . <sup>F5</sup>

**Textual Amendments**

**F5** Sch. 4 paras. 16, 17 repealed by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 68A:2), ss. 46(8)(d), 74, Sch. 9 (s. 46 of that Act, by virtue of which the specified paragraphs ceased to have effect, was brought into force on 1.1.1991 by s. 75(3)(a) of that same 1990 Act; the repeal of the specified paragraphs by Sch. 9 of that Act was expressed to be brought into force so far as not already in force on 17.3.1993 by S.I. 1993/641, art. 3, Sch.)

18 The grant of an application for Sunday opening shall cease to have effect when the licence to which it relates ceases to have effect.

**PART II**

*SUNDAY RESTRICTION ORDERS*

<sup>F6</sup>19 . . . . .

**Textual Amendments**

**F6** Sch. 4 paras. 19-22 repealed (17.3.1993) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 68A:2), s. 74, Sch. 9; S.I. 1993/641, art. 3, Sch.

<sup>F7</sup>20 . . . . .

**Textual Amendments**

**F7** Sch. 4 paras. 19-22 repealed (17.3.1993) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 68A:2), s. 74, Sch. 9; S.I. 1993/641, art. 3, Sch.

<sup>F8</sup>21 . . . . .

**Textual Amendments**

**F8** Sch. 4 paras. 19-22 repealed (17.3.1993) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 68A:2), s. 74, Sch. 9; S.I. 1993/641, art. 3, Sch.

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F9 22 .....

**Textual Amendments**

**F9** Sch. 4 paras. 19-22 repealed (17.3.1993) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 68A:2), s. 74, **Sch. 9**; S.I. 1993/641, **art. 3**, Sch.

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