



Licensing (Scotland) Act 1976 (repealed)

1976 CHAPTER 66

PART I

LICENSING BOARDS

1 Licensing boards.

(1) For the administration of licensing with respect to alcoholic liquor on and after 1st July 1977, Scotland shall have licensing boards constituted in accordance with the provisions of this section.

(2) There shall be a separate licensing board for—

- (a) [^{F1}the area of each council] which is not divided into licensing divisions under [^{F2}section 46(1) of the Local Government etc. (Scotland) Act 1994], and
- (b) each licensing division.

^{F3}(3)

(4) Subject to [^{F4}subsections (5), (5A), (9)] and (13) below, a licensing board shall consist of not less than one-quarter of the total number of members of the ^{F5} . . . council ^{F6} . . .

(5) Where [^{F7}the area of a council] is divided into licensing divisions, [^{F8}—

- (a) subject to subsection (5A) below, the licensing board for a licensing division shall consist of such number of members as is not less than one quarter of the total number of members of the council returned for the wards within the area of the division; and
- (b) unless the Secretary of State otherwise directs, not less than one-third of the members of the licensing board for a licensing division shall be councillors for a ward ^{F9} . . . within the area of the licensing division.

[^{F10}(5A) In no case shall a licensing board consist of less than five members of the council.]

[^{F11}(6) On 1st April 1996, the members of a licensing board shall be—

Status: Point in time view as at 24/11/2005. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed), Section 1. (See end of Document for details)

- (a) for an area or, as the case may be, a licensing division of an area which was, immediately before that date, an islands area, the members in office immediately before that date; and
 - (b) for any other area or, as the case may be licensing division of such area, the members elected by the council for the area in pursuance of section 46 of the Local Government etc. (Scotland) Act 1994.
- (7) Subsequent elections of the members of a licensing board for any area or, as the case may be, a licensing division of such area shall be held—
- (a) except in so far as paragraph (b) below otherwise provides, at the first meeting of the council held after each ordinary election of that council which takes place after 1st April 1996; and
 - (b) where a determination under [F12]section 46 of the Local Government etc. (Scotland) Act 1994] is made, either—
 - (i) at the meeting at which the determination is made; or
 - (ii) at the first meeting of the council held after such meeting as is mentioned in sub-paragraph (i) above.]
- (8) The term of office of members of a licensing board shall begin [F13]on 1st April 1996] and shall end on the day of the next election of members of the licensing board, but any member of a board shall be eligible for re-election.
- (9) A member of a licensing board who has ceased to be a member of the [F14]council] by whom he was appointed by reason of an ordinary election to [F15]that council] shall continue to be a member of the board until the first meeting of the council after the election.
- (10) Any casual vacancy arising in a licensing board from death, resignation, disqualification or other cause may be filled by the election of a duly qualified person at the first meeting of the appointing council following upon the vacancy, and members so elected shall hold office until the date of the next meeting for election to the board.
- (11) If a licensing board is not elected at the time at which it ought to be elected, or an insufficient number of members is elected for a board, the Secretary of State may by order provide for the holding of [F16]an] election or elections for supplying such fault or deficiency in election at such times and in such manner as he may think expedient.
- (12) No election held in pursuance of this Act shall be deemed to be vitiated in consequence of any technical defect in the proceedings which has not been prejudicial to the interests of any party concerned in such election.
- (13) For the purposes of any proceedings at the quarterly meeting in March in the final year of office of members of a licensing board which are not finally disposed of before the expiry in that year of the term of office of the members, the members of the licensing board in office at the date of the said meeting shall, notwithstanding such expiry, be deemed to constitute the licensing board.

Textual Amendments

- F1** Words in s. 1(2)(a) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 106(2)(a)(i)**; S.I. 1996/323, **art. 4(1)(c)**
- F2** Words in s. 1(2)(a) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 106(2)(a)(ii)**
- F3** S. 1(3) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), **Sch. 13 para. 106(2)(c)**, **Sch. 14**; S.I. 1996/323, **art. 4(1)(c)**

Status: Point in time view as at 24/11/2005. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed), Section 1. (See end of Document for details)

- F4** Words in s. 1(4) substituted (21.10.1996) by 1996 c. 36, **s. 2(2)(a)**; S.I. 1996/2670, **art. 2**
- F5** Words in s. 1(4) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 106(2)(c), **Sch. 14**; S.I. 1996/323, **art. 4(1)(c)**
- F6** Words in s. 1(4) repealed (21.10.1996) by 1996 c. 36, **s. 2(2)(b)**; S.I. 1996/2670, **art. 2**
- F7** Words in s. 1(5) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 106(2)(d)(i)**; S.I. 1996/323, **art. 4(1)(c)**
- F8** Words in s. 1(5) substituted (21.10.1996) by 1996 c. 36, **s. 2(3)**; S.I. 1996/2670, **art. 2**
- F9** Words in s. 1(5) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 106(2)(d)(ii), **Sch. 14**; S.I. 1996/323, **art. 4(1)(c)**
- F10** S. 1(5A) inserted (21.10.1996) by 1996 c. 36, **s. 2(4)**; S.I. 1996/2670, **art. 2**
- F11** S. 1(6)(7) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 106(2)(e)**; S.I. 1996/323, **art. 4(1)(c)**
- F12** Words in s. 1(7)(b) substituted (1.4.1996) by S.I. 1996/739, art. 7(1), **Sch. 1 Pt. 1 para. 4**
- F13** Words in s. 1(8) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 106(2)(f)**; S.I. 1996/323, **art. 4(1)(c)**
- F14** Word in s. 1(9) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 106(2)(g)(i)**; S.I. 1996/323, **art. 4(1)(c)**
- F15** Words in s. 1(9) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 106(2)(g)(ii)**; S.I. 1996/323, **art. 4(1)(c)**
- F16** Word substituted by Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23, SIF 81:2), **Sch. 3 para. 37(c)**

Status:

Point in time view as at 24/11/2005. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed), Section 1.