

*Status: Point in time view as at 31/12/1991.*

*Changes to legislation: Law Reform (Miscellaneous Provisions) (Scotland) Act 1990, Part I is up to date with all changes known to be in force on or before 09 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 8

#### AMENDMENT OF ENACTMENTS

#### PART I

##### AMENDMENTS TO THE LICENSING (SCOTLAND) ACT 1976

1 The <sup>M1</sup>Licensing (Scotland) Act 1976 shall be amended as follows.

#### Marginal Citations

**M1** 1976 c. 66.

- 2 In subsection (2) of section 5 (restriction on power of licensing board to delegate functions) at the end there shall be added the following paragraph—
- “(1) making a decision on an application for the grant of a children’s certificate under section 49 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990.”
- 3 In subsection (6) of that section after the words “(a) to (i)” there shall be added the words “ and (l) ”
- 4 In subsection (3) of section 6 (voting by chairman) the words from “Provided that” to the end of the subsection shall cease to have effect.
- 5 In section 16 (persons who may object to licence applications)—
- (a) in subsection (1), at the end there shall be added—
- “(e) the fire authority for the area in which the premises are situated;
- (f) a local authority for the area in which the premises are situated.”;
- (b) in subsection (3), after “made,” there shall be inserted the words “ or, in the case of the agent of an applicant, shall be his place of business, ”; and
- (c) in subsection (5), for the word “hear” there shall be substituted the words “ , whether or not the objector appears, consider ”.
- 6 In section 17 (grounds for refusal of an application), for paragraph (d) of subsection (1) there shall be substituted the following paragraph—
- “(d) that, having regard to—
- (i) the number of licensed premises in the locality at the time the application is considered; and
- (ii) the number of premises in respect of which the provisional grant of a new licence is in force,

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the board is satisfied that the grant of the application would result in the over provision of licensed premises in the locality, ”.

- 7 In section 18 (giving of reasons for decisions of a licensing board)—
- (a) in subsection (1), after “shall” there shall be inserted the words “, within 21 days of being required to do so under subsection (2) below, ” and the words “when required to do so under subsection (2) below” shall cease to have effect; and
  - (b) in subsection (4), at the beginning there shall be inserted the words “ The period of 21 days referred to in subsection (1) above and ”.
- 8 In section 21 (issue of licences)—
- (a) in subsection (1), at the end there shall be added the words “ and shall do so within 28 days of the grant of the licence ”;
  - (b) in subsection (2), for the words “when lawfully required” there shall be substituted the words “ on application ”; and
  - (c) after subsection (2) there shall be added the following subsection—
    - “(3) The period of 28 days referred to in subsection (1) above shall not include a day which is a Sunday, Christmas Day, New Year’s Day, Good Friday, a bank holiday, or a public holiday, or a day appointed for public thanksgiving or mourning.”
- 9 In section 33 (occasional licence for premises other than licensed premises)—
- (a) in subsections (1) and (2) for the words “on such day” in each place where they occur there shall be substituted the words “ for such period of not more than 14 days ”;
  - (b) in subsection (9) there shall be added at the end the words “ but the board shall not cause to be published the address of the applicant if the applicant provides the name and address of an agent through whom he may have intimated to him any objections. ”
- 10 In subsection (1) of section 34 of that Act (occasional permission to sell alcoholic liquor) for the words “on such day” there shall be substituted the words “ for such period of not more than 14 days ”.
- 11 (1) Section 39 (appeals against the decisions of licensing boards) shall be amended as follows.
- (2) After subsection (2) there shall be inserted the following subsection—
- “(2A) A licensing board may be a party to any appeal under this section.”
- (3) In subsection (5) for the words “grounded on paragraph (b) of subsection (4) above” there shall be substituted the words “ under this section ”.
- 12 In section 64—
- (a) in subsection (1), after the words “an entertainment licence” there shall be inserted the words “, a refreshment licence ”; and
  - (b) after subsection (8) there shall be inserted the following subsection—
    - “(9) Where a licensing board has refused an application under subsection (1) above for the grant of an occasional or regular extension of permitted hours in respect of any premises, the board shall not, within one year of its refusal, entertain a subsequent

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application for such an extension in respect of the same premises unless the board, at the time of refusing the first-mentioned application, makes a direction to the contrary.”

- 13 In each of subsections (1) and (2) of section 69 (prohibition on children being in certain licensed premises) at the beginning there shall be inserted the words “ Subject to section 49 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 ”.
- 14 In section 70 (children in premises in respect of which a refreshment licence is held) for the number “21” there shall be substituted the number “ 18 ”.
- 15 In section 97 (restrictions on supply of alcoholic liquor on off-sale premises)—
- (a) in subsection (1) for the words “supplies to any person, gratuitously or otherwise,” there shall be substituted the words “ sells to any person ”; and
  - (b) in subsection (2) the words “or supply” shall be omitted.
- 16 In paragraph (j) of section 108 (grounds of objection to renewal of registration by club) after the word “is” there shall be inserted the words “ or, in the case of an application for the renewal of a certificate of registration, has been, at any time during the currency of the certificate of registration in respect of which the application for renewal is made, ”.
- 17 In subsection (1) of section 109 (cancellation of certificate of registration of club) after the word “being” there shall be inserted the words “ or has been, at any time during the currency of the certificate of registration, ”.
- 18 In section 139 (interpretation) after subsection (4) there shall be inserted the following subsections—
- “(5) Any requirement under this Act to cause to be published the address of—
    - (a) an applicant in respect of any competent application made to a licensing board;
    - (b) an employee or agent of an applicant who is not an individual natural person; or
    - (c) a person who is to be the holder of a licence under Part III of this Act, may be satisfied by causing to be published the address of his agent and the clerk of a licensing board shall cause to be published the address of the agent rather than the address of any person mentioned in paragraphs (a) to (c) above if so requested by that person.
  - (6) Any requirement in this Act to intimate anything to an applicant may be satisfied by so intimating to his agent.”

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