



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 3

#### PREMISES LICENCES

##### *Variation of premises licence*

#### **32 Further application after refusal of application for variation**

- (1) Subsection (2) applies where a Licensing Board has refused a premises licence variation application (such a refusal being referred to in this section as the “earlier refusal”).
- (2) Subject to subsection (3), the Board must refuse any subsequent premises licence variation application—
  - (a) in respect of the same premises licence, and
  - (b) seeking the same variation,made before the expiry of the period of one year beginning with the date of the earlier refusal.
- (3) Subsection (2) does not apply in relation to any subsequent application made during that period if—
  - (a) at the time of the earlier refusal, the Board directed that the subsection would not apply to any subsequent application, or
  - (b) the Board is satisfied that there has been a material change of circumstances since the earlier refusal.

#### **Commencement Information**

**11** S. 32 in force at 1.2.2008 by [S.S.I. 2007/472](#), art. 2, [Sch. 1](#)

**Changes to legislation:**

Licensing (Scotland) Act 2005, Section 32 is up to date with all changes known to be in force on or before 27 May 2024. 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- specified provision(s) Appointed Day(s) by [S.S.I. 2006/239 art. 2](#) (This S.S.I. is revoked on 25.5.2006 by S.S.I. 2006/286, art. 6)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 33(1)(1A) substituted for s. 33(1)-(3) by [2015 asp 10 s. 49\(2\)\(a\)](#)
- s. 33(8)(za) inserted by [2015 asp 10 s. 49\(2\)\(c\)](#)
- s. 33(8A) inserted by [2015 asp 10 s. 49\(2\)\(d\)](#)
- s. 33A inserted by [2015 asp 10 s. 49\(4\)](#)
- s. 134ZA-134ZC inserted by [2015 asp 10 s. 61\(2\)](#)