



Licensing (Scotland) Act 2005

2005 asp 16

PART 3

PREMISES LICENCES

Miscellaneous

50 Certificates as to planning, building standards and food hygiene

- (1) A premises licence application (other than a provisional premises licence application) must be accompanied by—
 - (a) a planning certificate,
 - (b) a building standards certificate, and
 - (c) if food is to be supplied on the premises, a food hygiene certificate,in respect of the subject premises.
- (2) A provisional premises licences application must be accompanied by a provisional planning certificate in respect of the subject premises.
- (3) An application under section 46(1) in respect of any premises must be accompanied by—
 - (a) if the provisional planning certificate which accompanied the provisional premises licence application in respect of the subject premises consisted of outline planning permission [^{F1}or planning permission in principle], a planning certificate,
 - (b) a building standards certificate, and
 - (c) if food is to be supplied on the premises, a food hygiene certificate,in respect of the subject premises.
- (4) A planning certificate is a certificate signed on behalf of the appropriate authority and stating—
 - (a) that planning permission under the Town and Country Planning (Scotland) Act 1997 (c. 8) (referred to in this section as “the 1997 Act”) in respect of any development of the subject premises in connection with their proposed use as licensed premises has been obtained, or

Status: Point in time view as at 28/03/2011.

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- (b) that no such planning permission is required.
- (5) A provisional planning certificate is a certificate signed on behalf of the appropriate authority and stating—
- (a) that planning permission^[F2], planning permission in principle^[F2] or outline planning permission under the 1997 Act has been obtained in respect of the construction or conversion of the subject premises, or
 - (b) that no such planning permission is required.
- (6) A building standards certificate is a certificate signed on behalf of the appropriate authority and stating—
- (a) that a completion certificate has been accepted under section 18 of the Building (Scotland) Act 2003 (asp 8) (referred to in this section as “the 2003 Act”) in respect of any construction or conversion of the subject premises in connection with their proposed use as licensed premises,
 - (b) that permission for the temporary occupation or use of the premises has been granted under section 21(3) of the 2003 Act, or
 - (c) that no such completion certificate or permission is required.
- (7) A food hygiene certificate is a certificate signed on behalf of the appropriate authority and stating that the subject premises comply with ^[F3]such requirements as the Scottish Ministers may, by order, specify.]
- ^[F4](7A) An order under subsection (7) may specify requirements by reference to provision contained in another enactment.]
- (8) In this section—
- “appropriate authority” means—
- (a) in relation to a planning certificate or provisional planning certificate, the planning authority (within the meaning of the 1997 Act) for the area in which the subject premises are situated,
 - (b) in relation to a building standards certificate, the council for that area,
 - (c) in relation to a food hygiene certificate, the food authority (within the meaning of ^[F5]section 5 of the Food Safety Act 1990 (c.16)) for that area,
- “construction” and “conversion” have the same meanings as they have in the 2003 Act,
- “development” has the same meaning as it has in the 1997 Act.

Textual Amendments

- F1** Words in s. 50(3)(a) inserted (3.8.2009) by [Planning etc. \(Scotland\) Act 2006 \(Consequential Amendments\) Order 2009 \(S.S.I. 2009/256\)](#), arts. 1(3), **4(2)(a)**
- F2** Words in s. 50(5)(a) inserted (3.8.2009) by [Planning etc. \(Scotland\) Act 2006 \(Consequential Amendments\) Order 2009 \(S.S.I. 2009/256\)](#), arts. 1(3), **4(2)(b)**
- F3** Words in s. 50(7) substituted (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 186(2)**, 206(1); S.S.I. 2011/178, art. 2, Sch.
- F4** S. 50(7A) inserted (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 186(3)**, 206(1); S.S.I. 2011/178, art. 2, Sch.
- F5** Words in s. 50(8)(c) substituted (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), **ss. 186(4)**, 206(1); S.S.I. 2011/178, art. 2, Sch.

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Commencement Information

II S. 50 in force at 1.2.2008 by [S.S.I. 2007/472](#), art. 2, [Sch. 1](#)

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