



Alcohol etc. (Scotland) Act 2010

2010 asp 18

VALID FROM 01/10/2011

PART 2

LICENCE HOLDERS: SOCIAL RESPONSIBILITY LEVY

14 Licence holders: social responsibility levy

- (1) The Scottish Ministers may by regulations made by statutory instrument make provision for the imposition on relevant licence-holders of charges for the purpose mentioned in subsection (3).
- (2) In this section, “relevant licence-holders” means—
 - (a) holders of premises licences or occasional licences granted under the 2005 Act,
 - (b) holders of street trader's licences granted under section 39 of the Civic Government (Scotland) Act 1982 (c.45) (“the 1982 Act”) where the licence authorises the carrying on of a food business within the meaning of section 1(3) of the Food Safety Act 1990 (c.16),
 - (c) holders of public entertainment licences granted under section 41 of the 1982 Act,
 - (d) holders of late hours catering licences granted under section 42 of the 1982 Act.
- (3) The purpose referred to in subsection (1) is to meet or contribute to expenditure incurred or to be incurred by any local authority—
 - (a) in furtherance of the licensing objectives, and
 - (b) which the authority, after consulting the relevant health board and appropriate chief constable, considers necessary or desirable with a view to remedying or mitigating any adverse impact on those objectives attributable (directly or indirectly) to the operation of the businesses of relevant licence-holders in the authority's area.
- (4) Regulations under subsection (1) may, in particular—

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- (a) specify charges or provide for them to be determined under the regulations,
- (b) specify charges, or provide for them to be determined, by reference to such factors or circumstances as may be specified in or determined under the regulations,
- (c) provide for annual or other recurring charges,
- (d) provide for exemptions from charges,
- (e) provide for discounts to charges based on relevant licence-holders' compliance with standards of practice in relation to social responsibility specified in the regulations,
- (f) provide for the remission or repayment of charges,
- (g) provide for the collection and enforcement of charges,
- (h) provide for the charging of interest on overdue charges,
- (i) provide for the payment of charges to be a condition of the licences held by relevant licence-holders,
- (j) make provision about the particular purposes for which income from charges may be applied,
- (k) provide for the accounting for income from charges and the expenditure of that income,
- (l) confer functions on local authorities and Licensing Boards in relation to the determination, administration, collection and enforcement of charges, or in relation to any other matter provided for in the regulations.

(5) In this section and section 15—

“appropriate chief constable”, in relation to a local authority, means the chief constable for the police area in which the area of the authority is situated,

“business”, in relation to a relevant licence-holder, means the business comprising the activity in respect of which the licence-holder's licence was granted,

“Health Board” means a board constituted by an order under section 2(1)(a) of the National Health Service (Scotland) Act 1978 (c.29),

“relevant health board”, in relation to a local authority, means—

- (a) the Health Board for the authority's area, or
- (b) if the authority's area forms part of the area of more than one Health Board, each such Health Board,

“Licensing Boards” means the boards continued in existence or established under section 5 of the 2005 Act,

“licensing objectives” means the following objectives—

- (a) preventing crime and disorder,
- (b) securing public safety,
- (c) preventing public nuisance,
- (d) protecting and improving public health, and
- (e) protecting children from harm.

15 Regulations under section 14(1): further provision

(1) Regulations under section 14(1) may—

- (a) make different provision for different purposes (including different areas),

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- (b) make such incidental, consequential, transitional, transitory or saving provision as the Scottish Ministers consider appropriate,
 - (c) modify—
 - (i) the 2005 Act,
 - (ii) the Civic Government (Scotland) Act 1982 (c.45).
- (2) A statutory instrument containing regulations under section 14(1) must not be made unless a draft of the statutory instrument containing the regulations has been laid before, and approved by resolution of, the Parliament.
- (3) Before laying a draft statutory instrument containing regulations under section 14(1) before the Parliament, the Scottish Ministers must consult—
- (a) Health Boards,
 - (b) such body or bodies as appear to them to be representative of the interests of—
 - (i) Licensing Boards,
 - (ii) chief constables,
 - (iii) local authorities, and
 - (iv) relevant licence-holders (as defined in section 14(2)),
 - (c) such voluntary organisations—
 - (i) having an interest in health policy,
 - (ii) having an interest in alcohol policy,
 - (iii) representing the interests of children and young people, as they think appropriate, and
 - (d) such other persons (if any) as they think appropriate.
- (4) For the purposes of such a consultation, the Scottish Ministers must—
- (a) lay a copy of the proposed draft regulations before the Parliament,
 - (b) send a copy of the proposed draft regulations to any person to be consulted under subsection (3), and
 - (c) have regard to any representations about the proposed draft regulations that are made to them within 60 days of the date on which the copy of the proposed draft regulations is laid before the Parliament.
- (5) In calculating any period of 60 days for the purposes of subsection (4)(c), no account is to be taken of any time during which the Parliament is dissolved or is in recess for more than 4 days.
- (6) When laying a draft statutory instrument containing regulations under section 14(1) before the Parliament under subsection (2), the Scottish Ministers must also lay before the Parliament an explanatory document giving details of—
- (a) the consultation carried out under subsection (3),
 - (b) any representations received as a result of the consultation, and
 - (c) the changes (if any) made to the proposed draft regulations as a result of those representations.

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