

SCHEDULE 5
ALCOHOL LICENSING

Requirement to hold a hearing

- 1 (1) The Licensing (Scotland) Act 2005 applies in accordance with the modification in this paragraph.
- (2) Section 133 (hearings) has effect as if after subsection (3) there were inserted—
- “(3A) Despite subsection (1), where a Licensing Board is required to, or may, hold a hearing under any provision of this Act, the Board may determine that the hearing cannot be held in person, or at a meeting of the Board, because of a reason relating to coronavirus.
- (3B) Where a Licensing Board determines under subsection (3A) that a hearing cannot be held in person, the Board must comply with subsection (3C) before reaching a decision on the matter which would have been the subject of the hearing.
- (3C) The Board must give any person who would have been given the opportunity to be heard at the hearing the opportunity to be heard instead by whichever of the following means the person prefers—
- (a) telephone,
- (b) written representations, including by means of an electronic communication (as defined in section 15(1) of the Electronic Communications Act 2000),
- (c) video conference, if the Board has video conference facilities.
- (3D) Where a Licensing Board gives a person an opportunity to be heard under subsection (3C) by telephone, written representations or video conference, and the holding of the hearing by that means would be inconsistent with a requirement imposed by regulations under this Act, the requirement of the regulations is to be construed as permitting the hearing by that means.”.