



Licensing (Scotland) Act 2005

2005 asp 16

PART 3

PREMISES LICENCES

Transfer of premises licence

34 Transfer on application of person other than licence holder

- (1) A person other than—
- (a) the holder of a premises licence, or
 - (b) an individual under the age of 18,
- (being a person of a prescribed description) may, within 28 days of the occurrence of any of the events specified in subsection (3), apply to the appropriate Licensing Board for the transfer to that person of the licence.
- (2) An application under subsection (1) must be accompanied by—
- (a) the premises licence to which the application relates, or
 - (b) if that is not practicable, a statement of the reasons for failure to produce the licence.
- (3) The events referred to in subsection (1) are—
- (a) the premises licence holder, being an individual—
 - (i) dies, or
 - (ii) becomes incapable within the meaning of section 1(6) of the Adults with Incapacity (Scotland) Act 2000 (asp 4),
 - (b) the premises licence holder, being an individual, a partnership or a company, becomes insolvent,
 - (c) the premises licence holder, being a person other than an individual, a partnership or a company, is dissolved, and
 - (d) the business carried on in the licensed premises to which the licence relates is transferred (whether by sale or otherwise) to another person.
- (4) Subsections (4) to (10) of section 33 apply for the purposes of an application under subsection (1) of this section as they apply for the purposes of an application under

Status: Point in time view as at 01/02/2008. This version of this provision has been superseded.

Changes to legislation: Licensing (Scotland) Act 2005, Section 34 is up to date with all changes known to be in force on or before 25 June 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. (See end of Document for details)

subsection (1) of that section, but as if references in them to the transferee were references to the applicant in relation to the application under subsection (1) of this section.

(5) Subsections (7) and (8) of section 28 apply for the purposes of subsection (3)(b) of this section as they apply for the purposes of subsection (5)(d) of that section.

Commencement Information

II S. 34 in force at 1.2.2008 by S.S.I. 2007/472, art. 2, Sch. 1

Status:

Point in time view as at 01/02/2008. This version of this provision has been superseded.

Changes to legislation:

Licensing (Scotland) Act 2005, Section 34 is up to date with all changes known to be in force on or before 25 June 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.