



Licensing (Scotland) Act 2005

2005 asp 16

PART 4

OCCASIONAL LICENCES

59 Determination of application

- (1) An occasional licence application received by a Licensing Board is to be determined in accordance with this section.
- (2) If the Board has not received any—
 - ^{F1}(a)
 - (b) report from a Licensing Standards Officer under section 57(3), or
 - (c) notice of objection or representation under section 58(1),relating to the application, the Board must grant the application [^{F2}unless the application must be refused under section 56(6A), 64(2) or 65(3)].
- (3) In any other case, the Board must consider whether any of the grounds for refusal applies and—
 - (a) if none of them applies, the Board must grant the application, or
 - (b) if any of them applies, the Board must refuse the application.
- (4) The Board may hold a hearing for the purposes of determining any application which is to be determined in accordance with subsection (3).
- (5) Where the Board does not hold a hearing for that purpose, the Board must ensure that, before determining the application, the applicant is given an opportunity to comment on any such notice or report as is referred to in subsection (2).
- (6) The grounds for refusal are—
 - (a) that the premises to which the application relates are excluded premises,
 - (b) that the application must be refused under section [^{F3}56(6A),] 64(2) or 65(3),
 - (c) that the Licensing Board considers the granting of the application would be inconsistent with one or more of the licensing objectives,
 - (d) that, having regard to—

Changes to legislation: Licensing (Scotland) Act 2005, Section 59 is up to date with all changes known to be in force on or before 20 July 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) View outstanding changes

- (i) the nature of the activities proposed to be carried on in the premises to which the application relates,
 - (ii) the location, character and condition of the premises, and
 - (iii) the persons likely to frequent the premises,
- the Board considers that the premises are unsuitable for use for the sale of alcohol.

^{F4}(7)

- (8) In determining any application which is to be determined in accordance with subsection (3), the Board must take into account any report from a Licensing Standards Officer under section 57(3).

Textual Amendments

- F1** S. 59(2)(a) repealed (1.11.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), [Sch. 6 para. 10\(2\)](#); S.S.I. 2011/354, art. 2, Sch.
- F2** Words in s. 59(2) inserted (1.10.2011) by [Alcohol etc. \(Scotland\) Act 2010 \(asp 18\)](#), [ss. 13\(3\)\(a\)](#), 18(1) (with s. 16); S.S.I. 2011/149, art. 2, Sch.
- F3** Word in s. 59(6)(b) inserted (1.10.2011) by [Alcohol etc. \(Scotland\) Act 2010 \(asp 18\)](#), [ss. 13\(3\)\(b\)](#), 18(1) (with s. 16); S.S.I. 2011/149, art. 2, Sch.
- F4** S. 59(7) repealed (1.11.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), [Sch. 6 para. 10\(3\)](#); S.S.I. 2011/354, art. 2, Sch.

Commencement Information

- I1** S. 59 in force at 1.2.2008 by [S.S.I. 2007/472](#), art. 2, [Sch. 1](#)

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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\(2\)](#)