



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 7

#### CONTROL OF ORDER

##### *Closure of premises*

#### 98 Termination of closure orders

- (1) A [<sup>F1</sup>constable of or above the rank of inspector] must terminate a closure order (whether or not an emergency closure order) relating to any licensed premises if [<sup>F2</sup>the constable] is satisfied that it is no longer necessary in the interests of public safety for the premises to be closed.
- (2) Where a [<sup>F3</sup>constable] terminates a closure order relating to any licensed premises, [<sup>F4</sup>the constable] must ensure that notice of the termination is given by a constable to—
  - (a) a responsible person, and
  - (b) in the case of a closure order made by a Licensing Board, the Board.
- (3) A Licensing Board may—
  - (a) on the application of the holder of the premises licence or, as the case may be, occasional licence in respect of any licensed premises to which a closure order made by the Board relates, and
  - (b) if satisfied that it is no longer necessary in the interests of public safety for the premises to be closed,terminate the closure order.

#### Textual Amendments

- F1** Words in s. 98(1) substituted (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 193\(3\)\(a\)\(i\)](#), 206(1); S.S.I. 2010/413, art. 2, Sch.
- F2** Words in s. 98(1) substituted (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 193\(3\)\(a\)\(ii\)](#), 206(1); S.S.I. 2010/413, art. 2, Sch.
- F3** Word in s. 98(2) substituted (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 193\(3\)\(b\)\(i\)](#), 206(1); S.S.I. 2010/413, art. 2, Sch.

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**Changes to legislation:** Licensing (Scotland) Act 2005, Section 98 is up to date with all changes known to be in force on or before 10 August 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](#)

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**F4** Words in s. 98(2) substituted (13.12.2010) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 193\(3\)\(b\)\(ii\)](#), 206(1); S.S.I. 2010/413, art. 2, Sch.

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**Commencement Information**

**I1** S. 98 in force at 1.9.2009 at 5.00 a.m. by [S.S.I. 2007/472](#), [art. 3](#)

**Changes to legislation:**

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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\(2\)](#)