

2007 No. 76

LICENSING (LIQUOR)

The Licensing (Clubs) (Scotland) Regulations 2007

Made - - - - - *14th February 2007*

Laid before the Scottish Parliament *15th February 2007*

Coming into force - - - *1st February 2008*

The Scottish Ministers, in exercise of the powers conferred by sections 125, 146(2) and 147(1) of the Licensing (Scotland) Act 2005(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Licensing (Clubs) (Scotland) Regulations 2007 and shall come into force on 1st February 2008.

(2) In these Regulations, “the Act” means the Licensing (Scotland) Act 2005.

Clubs prescribed for the purposes of section 125(1)

2.—(1) The description of club prescribed for the purposes of section 125(1) of the Act is a club—

- (a) which is not conducted for the purposes of making a profit; and
- (b) which has a written constitution and rules which make provision to the effect specified in paragraph (2).

(2) That provision is that—

- (a) the business of the club is to be under the management of a committee or other governing body elected by the members of the club;
- (b) no person under 18 is to be admitted as a member of the club (unless the club is devoted primarily to some sporting purpose or is a students’ union to which paragraph (3) applies);
- (c) no member of the committee or other governing body and no person employed by the club is to have any personal interest in the sale of alcohol on the club premises or in the profits arising from such sale;
- (d) other than when an occasional licence has effect, no person is to be supplied with alcohol on the club premises unless that person is—
 - (i) a member of the club;
 - (ii) a person who is on the premises at the invitation of a member of the club and is accompanied by that member; or

(a) 2005 asp 16; see the definition of “prescribed” in section 147(1).

- (iii) a member of another club which falls within the description prescribed in paragraph (1);
- (e) where a person referred to in sub-paragraph (d)(ii) is supplied with alcohol on club premises when an occasional licence is not in effect, there is to be entered in a book kept for the purpose—
 - (i) the date in question;
 - (ii) the name and address of the person; and
 - (iii) the name of the member accompanying the person;
- (f) correct accounts and books are to be kept showing the financial affairs and intromissions of the club;
- (g) the club has to have at least 25 members to be properly constituted; and
- (h) no person is to be allowed honorary or temporary membership of the club or to be relieved of the payment of the regular entrance fee or subscription—
 - (i) except to allow temporary participation in the activity which is the prime purpose of the club; and
 - (ii) except in accordance with specific provision set out in the club rules.
- (3) This paragraph applies to a students' union of—
 - (a) a university; or
 - (b) a further education college under the management of an education authority,

which is recognised and certified as such by the Senate or Academic Council of the university or by the education authority, as the case may be.

(4) Expressions used in paragraph (3) which are also used in the Education (Scotland) Act 1980^(a) have the same meanings in that paragraph as in that Act.

Occasional licences

3.—(1) The fact that a premises licence is in effect in respect of premises used wholly or mainly for the purposes of a club which falls within the description prescribed in regulation 2(1) is not (despite the exclusion of licensed premises in section 56(1) of the Act) to prevent an occasional licence being issued in respect of those premises.

- (2) A Licensing Board may issue in respect of those premises in any period of 12 months—
 - (a) not more than 4 occasional licenses each having effect for a period of 4 days or more, and
 - (b) not more than 12 occasional licences each having effect for a period of less than 4 days,

provided that, in any period of 12 months, the total number of days on which occasional licences issued in respect of the premises have effect does not exceed 56.

(3) For any period during which an occasional licence has effect in respect of those premises, the conditions of any premises licence issues in respect of the premises are not to have effect.

^(a) 1980 c.44.

Modification of section 147(2)

4. In relation to a club which falls within the description prescribed in regulation 2(1), section 147(2) of the Act is to apply as if the expression “selling alcohol or other goods to trade” included selling alcohol or goods to a person for the purposes of the business of the club.

St. Andrew’s House,
Edinburgh
14th February 2007

GEORGE LYON
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 125(2) of the Licensing (Scotland) Act 2005 (“the Act”) lists provisions of the Act which do not apply in relation to premises which are used wholly or mainly for the purposes of any club of a prescribed description. Regulation 2 of these Regulations prescribes a description of club for the purposes of section 125(2).

Section 125(4) of the Act gives the Scottish Ministers the power to provide by regulations for further modifications of the Act in its application to prescribed clubs or premises used wholly or mainly for the purposes of such clubs. Regulations 3 and 4 make relevant modifications of the Act so far as it relates to occasional licences and of section 147(2) of the Act (selling alcohol to trade).

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