

---

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes provision in respect of relevant personal licences issued under the Licensing (Scotland) Act 2005 (“the 2005 Act”).

Under section 77(1) of the 2005 Act a personal licence has effect during the period of 10 years beginning with the date on which it is issued. That is subject to the remaining subsections of section 77. Personal licence holders may apply to the Licensing Board for renewal of their licence under section 78 of the 2005 Act (“a renewal application”). Where such an application is granted, section 77(2) provides that the period of effect of the licence is extended for a further period of 10 years. This means that the personal licence does not expire at the end of the 10 year period mentioned in section 77(1) but continues for a further 10 year period. It is possible to further renew a personal licence for successive 10 year periods. A renewal application must be made no later than three months prior to the expiry date of the licence.

The 2005 Act became fully operational on 1 September 2009. Prior to that date it was possible to apply for a personal licence under the 2005 Act during the period from 0001 hours on 1 February 2008 until 0500 hours on 1 September 2009 (the “transitional period”). Article 23 of the Licensing (Transitional and Saving Provisions) (Scotland) Order 2007 ([S.S.I. 2007/454](#)) provides that section 77 of the 2005 Act has effect in respect of a personal licence issued during the transitional period as if that licence had been issued on 1 September 2009.

The deadline for making a renewal application in respect of a personal licence issued during the transitional period is 31 May 2019. The effect of section 77 of the 2005 Act is that if a Licensing Board has not determined any such application before 1 September 2019, the licence in respect of which the application is made will cease to have effect.

Article 2 of this Order modifies the effect of section 77 of the Act in respect of a personal licence issued during the transitional period, provided that (a) a renewal application has been made in respect of the licence on or before 31 May 2019 and (b) the Licensing Board has not determined the application before 1 September 2019. This means that the period of effect of the licence does not end until the earlier of (a) 28 days after the day on which the Licensing Board has determined a renewal application made in respect of the licence or (b) 29 February 2020.

Article 2 also applies to a personal licence which was not issued during the transitional period but was issued on 1 September 2009, after 0500 hours on that day.