

SCHEDULES

SCHEDULE 24

AMENDMENT OF ENACTMENTS RELATING TO LICENSING, ETC.

PART I

AMENDMENT OF LICENSING (SCOTLAND) ACTS 1959 TO 1969

The Licensing (Scotland) Act 1959

- 1 In section 6 (casual vacancies in licensing courts and courts of appeal), for the word " county " there shall be substituted the words " islands area or district " , and the words " or at a special meeting of the magistrates " shall cease to have effect.
- 2 Section 11 (disqualification of justices not entered in valuation roll) shall cease to have effect.
- 3 In section 13 (membership of new town committee not to disqualify member of licensing court), the words from " or " to " 1949 " shall cease to have effect.
- 4 In section 14 (magistrate or county councillor not disqualified by reason of being justice, and vice versa), for the words " a magistrate or a county councillor", in both places where they occur, there shall be substituted the words " an islands or district councillor ".
- 5 Section 15 (election of town councillor to act for disqualified magistrate) and section 16 (county licensing court may grant certificates where members of burgh licensing court disqualified) shall cease to have effect.
- 6 In section 17 (expenses of members of licensing courts and courts of appeal), in subsection (1), for the words from the beginning to " 1948 " there shall be substituted the words " Sections 45 to 50 of the Local Government (Scotland) Act 1973 " and for the words from " among " onwards there shall be substituted the words " local authorities " ; and in subsection (2), for the words from " county " onwards there shall be substituted the words " islands area or district whose area constitutes or includes the area of the court. ".
- 7 In section 18(2) (general half-yearly meeting of licensing courts), the words from " burgh " to " county " shall cease to have effect.
- 8 For section 20 (place of meeting of licensing courts and courts of appeal), there shall be substituted the following section:—

“20 Place of meeting of licensing courts and courts of appeal.

The meetings of a licensing court or court of appeal shall be held at such places as the islands or district council may determine, and the council shall publish by advertisement notice of the place of any such meeting.”

Status: This is the original version (as it was originally enacted).

- 9 For section 21 (expenses, etc. of meetings of licensing courts and courts of appeal), there shall be substituted the following section:—

“21 Expenses, etc. of meetings of licensing courts and courts of appeal.

The council of every islands area or district shall provide accommodation for the meetings, and otherwise defray any necessary expenses in respect of the proceedings, of any licensing court and of the appeal court having jurisdiction in their area.”

- 10 For section 28 (clerk to licensing courts and courts of appeal), there shall be substituted the following section:—

“28 Clerk to licensing courts and courts of appeal.

The clerk of the peace for any area shall be the clerk to every licensing court and court of appeal having jurisdiction within the area.”

- 11 In section 29(1) (fees payable to clerk) the words "or town clerk " shall cease to have effect.

- 12 For section 31 (supplementary and local provisions) there shall be substituted the following section:—

“31 Determination of population.

- (1) For the purposes of this Part of this Act, and subject to the provisions of subsection (3) below, " population ", in relation to any licensing area, means the population declared by the order last made under this section relating to that area.
- (2) The Secretary of State shall, before 16th April 1975,
 - (a) obtain from the Registrar General an estimate (made by reference to the estimates prepared by the Registrar General relating to 30th June in the latest year for which such estimates are available) of the population of every islands area and district, and
 - (b) make an order or orders declaring the population of each islands area and district according to such estimate.
- (3) Where the council of any islands area or district, either before or after 16th May 1975, divide their area into licensing divisions in accordance with section 1(2) of this Act, they shall obtain from the Registrar General an estimate (made as aforesaid) of the population of every such division, and the population of any such division shall, until the making of the first order under subsection (4) below relating to that division, be determined according to such estimate.
- (4) As soon as may be after 30th June 1983, and after every tenth year thereafter, the Secretary of State shall
 - (a) obtain from the Registrar General an estimate (made by reference to the estimates prepared by the Registrar General relating to 30th June in 1983 or, as the case may be, the said year in respect of which the estimate is obtained) of the population of each islands area, district and licensing division, and

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- (b) make an order or orders declaring the population of each islands area, district and licensing division according to such estimate.
- (5) An order made under subsection (4) above may prescribe the date or dates on which alterations in the number of members of licensing courts and courts of appeal consequential on any increase or decrease of population shall take effect
- (6) Any order made under this section shall be laid before Parliament.
- (7) In this section " the Registrar General" means the Registrar General of Births, Deaths and Marriages for Scotland.”.
- 13 In section 41 (list of certificate holders), for the words after " printing the list shall" there shall be substituted the words " be defrayed by the council of the islands area or district whose area constitutes or includes the area of the court. ".
- 14 In section 114 (years in which temperance poll may be taken), subsection (1) shall cease to have effect.
- 15 In section 120 (interpretation of Part VIII).
- (i) in the definition of " area "; in paragraph (a), after the words " in the case of " there shall be inserted the words " an area which immediately before 16th May 1975 constituted ", and after the word " any " there shall be inserted the words " area which then constituted a " ; in paragraph (b), for the words " burgh, the whole burgh " there shall be substituted the words " area which then constituted a burgh, the whole of that area " ; and in paragraph (c), after the word " of " there shall be inserted the words " an area which then constituted ";
- (ii) in the definition of " local authority ", for paragraphs (a) and (b) there shall be substituted the words " the council of an islands area or district ";
- (iii) in the definition of " parish ", for the words " burgh or part of a burgh situated therein " there shall be substituted the words " area situated therein which immediately before 16th May 1975 constituted a burgh or part of a burgh ", and after the word " situated " there shall be inserted the words " in an area which was then ".
- 16 In section 168(1) (register of clubs) the words " or other area " shall cease to have effect, after the word " keep" there shall be inserted the words " in every sheriff court district within the sheriffdom ", and for the words after " such " and before " in respect " there shall be substituted the word " district ".
- 17 In section 169 (application by club for certificate of registration), in subsection (3) (c) for the word " aforementioned " there shall be substituted the word " aftermentioned ", in subsection (4) the words from " either " (where it first appears) to " case " shall cease to have effect, and in subsection (5) for the words " magistrate or justice of the peace " there shall be substituted the words " member of a licensing court or court of appeal ".
- 18 In section 171 (procedure on application for grant or renewal of certificate of club registration), in subsection (1), for paragraphs (b) and (c) there shall be substituted the following words:—
- “and
- (b) to the council of the islands area or district within which the premises are situated.”;

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- and in subsection (3), for the words " a town council" there shall be substituted the words " an islands council ".
- 19 In section 175(1) (cancellation of certificate of club registration), the words from " or, if the premises " to " to a magistrate " and the words " or magistrate " shall cease to have effect
- 20 In section 195 (limitation of actions against sheriffs, etc.) the words " town clerk " shall cease to have effect.
- 21 In section 199(1) (interpretation) the definitions of "burgh licensing court " and " county licensing court " shall cease to have effect; in the definition of " licensing area", for the words " any burgh or county " there shall be substituted the words " any islands area or district ", and for the word "district" there shall be substituted the word " division "; in the definition of " licensing court", the words " or two" shall be omitted; and in the definition of " licensing district ", for the word " district" there shall be substituted the word " division " and for the word " two" there shall be substituted the word " one ".
- 22 For Schedule 1 there shall be substituted the following Schedule—

“FIRST
SCHEDULE

CONSTITUTION OF LICENSING COURTS

Class I	Where population of licensing area is under 75,000. Licensing court— Councillors 3 ; Justices 3 ; total 6.
Class II	Population of or exceeding 75,000 but under 200,000. Licensing court— Councillors 5 ; Justices 5 ; total 10.
Class III	Population of or exceeding 200,000. Licensing court—Councillors 7 ; Justices 7 ; total 14.”

- 23 In Schedule 2 (Forms of certificate), Schedule 4 (Forms for use by clerks to courts) and Schedule 5 (Forms relating to confirmation of certificates), for the words "county [*or* licensing district *or* burgh " there shall be substituted, in every place where they appear, the words " district [*or* islands area or licensing division " ; in Schedule 2, in Forms 1 and 3, the words " parish of and " shall cease to have effect, and in Form 2, the words " burgh of and " shall cease to have effect; and in Schedule 3, in Form 1, the words " in the parish [*or* burgh] of and county of " shall cease to have effect.

The Licensing (Scotland) Act 1962

- 24 In Schedule 1 (New forms of certificate) in the form of certificate for a restaurant and in the form of restricted hotel certificate, for the words " county [*or* licensing district *or* burgh " there shall be substituted in every place where they appear, the words " district [*or* islands area *or* licensing division " , and the words " parish of and " shall cease to have effect.