



# Licensing (Scotland) Act 1976

## CHAPTER 66

### LICENSING (SCOTLAND) ACT 1976

#### PART I

##### LICENSING BOARDS

- 1 Licensing boards.
- 2 Disqualification of interested persons.
- 3 Expenses of members of licensing boards.
- 4 Meetings of licensing boards.
- 5 Arrangements for discharge of functions of licensing boards.
- 6 Chairman.
- 7 Clerk of licensing boards.
- 8 Fees payable.

#### PART II

##### THE GENERAL LICENSING SYSTEM

- 9 Grant of licences by licensing boards.
- 10 Application for licence.
- 11 Special provisions for applications made other than by individual natural persons.
- 12 Publication of list of applications.
- 13 Consideration of applications.
- 14 Further application for new licence where previous application refused.
- 15 Attendance at meeting of licensing board by applicant or his representative.
- 16 Objections in relation to applications.
- 16A Observations by chief constable in relation to applications.
- 17 Grounds for refusal of application.

*Status: Point in time view as at 17/03/1993.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed). (See end of Document for details)*

---

- 18 Giving of reasons for decisions of a licensing board.
- 18A Licensing conditions for certain events.
- 18B Conditions for existing licences.
- 19 Canvassing.
- 20 Register of applications and decisions.
- 21 Issue of licences.
- 22 .....
- 23 Special provisions relating to applications for new licence.
- 24 Special provisions relating to applications for renewal of a licence.
- 25 Transfer of licences.
- 26 Provisional grant of licence.
- 27 Grant of provisional licence.
- 28 Licence not to be granted for premises on special roads.
- 29 Alcoholic liquor which may be sold under licence.
- 30 Currency of licence.
- 31 Suspension of licence on receipt of complaint.
- 32 Other power to suspend licence.
- 33 Occasional licence for premises other than licensed premises or clubs.
- 34 Occasional permissions.
- 35 Consent of licensing board required for reconstruction, etc. of certain licensed premises.
- 36 Power of licensing board to order structural alterations on renewal of certain licences.
- 37 Power of licensing board to make regulations.
- 38 Power of licensing board to make byelaws.
- 39 Appeals to sheriff.

### **PART III**

#### SEAMEN'S CANTEENS

- 40 Power to authorise grant of licences for seamen's canteens.
- 41 Procedure for grant of licences.
- 42 Renewal of licences.
- 43 Transfer of licences.
- 44 Rights of appeal.
- 45 Provisions of this Act which apply to licensed canteens.
- 46 Interpretation of Part III.

### **PART IV**

- 47—52 .....

### **PART V**

#### THE PERMITTED HOURS

- 53 Permitted hours in licensed premises and registered clubs.
- 54 Prohibition of sale and consumption of alcoholic liquor except during permitted hours.
- 55 Additional provisions regarding restricted hotel and restaurant licences.
- 56 Alternative permitted hours in certain athletic clubs during winter.
- 57 Extension of permitted hours in the afternoon in certain licensed premises and clubs.

*Status: Point in time view as at 17/03/1993.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed). (See end of Document for details)*

---

- 58 Extension of permitted hours in the evening in certain licensed premises and clubs.
- 59 Restaurants in public houses may have permitted hours on Sundays in certain cases.
- 60 Other provisions as respects extension of permitted hours on Sundays.
- 61 Six-day licence.
- 62 Seasonal licences.
- 63 Exemption of international airports from restrictions on times at which alcoholic liquor may be sold or supplied.
- 63A Exemption of international ports from restrictions on permitted hours.
- 64 Occasional and regular extensions of permitted hours.
- 65 Restriction orders.
- 66 Temporary restriction of permitted hours.

## PART VI

### OFFENCES

- 67 Penalties for offences against provisions of this Act and Prevention of Corruption Acts.
- 68 Protection of young persons.
- 69 Children prohibited from bars and licensed canteens.
- 70 Children on premises in respect of which refreshment licence held.
- 71 Defence in relation to offences under section 68(1)(5), 69(1) or 70 of this Act.
- 72 Persons under 18 not to be employed in bars of licensed canteens.
- 73 Persons under 18 not to be employed to serve alcoholic liquor in premises for which refreshment licence is held.
- 74 Drunk persons entering or in licensed premises.
- 75 Procuring or aiding a drunken person to procure alcoholic liquor.
- 76 Sale or supply of alcoholic liquor to drunken persons.
- 77 Licence-holder and employees and agents not to be drunk.
- 78 Riotous behaviour, etc. in licensed premises.
- 79 Refusal to leave licensed premises.
- 80 Penalty for permitting thieves, prostitutes, etc., or stolen goods in licensed premises.
- 81 Prohibition of betting and gaming offences.
- 82 Persons found drinking in unlicensed premises.
- 83 Drinking in places of public refreshment, etc., when public house is closed.
- 84 Offences in relation to constables.
- 85 Power of police to enter licensed premises.
- 86 Power of police to enter unlicensed premises.
- 87 Restriction on credit sales.
- 88 Fraudulent adulteration of food and drink.
- 89 Order to close licensed premises.
- 90 Trafficking or bartering without licence or hawking of liquor.
- 90A Wholesale selling of alcoholic liquor.
- 91 Delivery of alcoholic liquor by vehicles, etc.
- 92 Restriction on carriage of alcoholic liquor in crates, etc., on contract carriages.
- 93 Sale of alcoholic liquor on passenger vessels on Sundays.
- 94 .....

*Status: Point in time view as at 17/03/1993.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed). (See end of Document for details)*

---

- 95 Sale or supply of alcoholic liquor for consumption outside registered club.
- 96 Prohibition of sale or supply of alcoholic liquor in licensed canteens for consumption off the premises.
- 97 Consumption in, taking away of, and selling liquor from, off-sale premises.
- 97A Supervision of sales of liquor in off-sale premises.
- 98 Restriction on sale or supply of liquor in premises subject to restricted hotel licence.
- 99 Restriction on sale or supply of liquor in premises subject to restaurant licence.
- 100 Restriction on sale or supply of liquor in premises subject to a refreshment licence.
- 101 Restriction on sale or supply of liquor in premises subject to entertainment licence.

## **PART VII**

### **CLUBS**

- 102 Register of clubs.
- 103 Application for certificate of registration.
- 104 Application for renewal of certificate of registration.
- 105 Procedure on application for grant or renewal of certificate of registration.
- 106 Currency of certificate of registration.
- 107 Club rules qualifying for registration.
- 108 Competent ground of objection to registration.
- 109 Cancellation of certificate of registration.
- 110 Disqualification of premises for purposes of club.
- 111 Penalties for offences by officials of registered clubs.
- 112 Persons under 14 not to be allowed in club bars.
- 113 Persons under 18 not to be employed to serve alcoholic liquor in clubs.
- 114 Power of police to enter clubs.
- 115 Inspection of register of clubs and of rules and list of members of club.
- 116 Citation of registered club.
- 117 Sheriff's jurisdiction and decision.
- 118 Interpretation of Part VII.

## **PART VIII**

### **MISCELLANEOUS, TRANSITIONAL & GENERAL**

- 119 Trading hours for off-sale premises and off-sale parts of public houses and hotels.
- 120 Liquor in unregistered clubs.
- 121 Sale or supply of alcoholic liquor in certain theatres.
- 122 Proof of trafficking in alcoholic liquor without licence.
- 123 Alcoholic liquor in confectionery.
- 124 Local authority premises.
- 125 Supply of alcoholic liquor on order by certain officials and others.
- 126 Burden of proof in case of drunkenness in licensed premises.
- 127 Presumption as to contents of containers.
- 128 Trial of offences.

*Status: Point in time view as at 17/03/1993.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed). (See end of Document for details)*

---

- 129 Conviction of licence-holder to be transmitted to clerk of licensing board.
- 130 Limitation of actions against sheriffs, etc.
- 131 Temperance areas.
- 132 Currency of final licensing certificates.
- 133 Betting and gaming licences and permits.
- 134 Notices, etc.
- 135 Orders.
- 136 Amendments and repeals.
- 137 Expenses.
- 138 Exemptions and savings.
- 139 Interpretation.
- 140 Transitional provisions.
- 141 Short title extent and commencement.

---

## SCHEDULES

### SCHEDULE 1 — Types of Licence

#### *Public house licence*

A public house licence is a licence granted in respect...

#### *Off-sale licence*

An off-sale licence is a licence granted in respect of...

#### *Hotel licence*

A hotel licence is a licence granted in respect of...

#### *Restricted hotel licence*

A restricted hotel licence is a licence which—

#### *Restaurant licence*

A restaurant licence is a licence granted in respect of...

#### *Refreshment Licence*

A refreshment licence is a licence granted in respect of...

#### *Entertainment Licence*

An entertainment licence is a licence granted in respect of...

### SCHEDULE 2 — Seamen's Canteens Grant and Transfer of Licences under Part III of this Act

#### Part I — *APPLICATIONS FOR GRANT OF LICENCES*

- 1 (1) The applicant for the grant of a licence under...
- 2 Where an applicant has, through inadvertence or misadventure, failed to...

#### Part II — *APPLICATION FOR AND GRANT OF PROVISIONAL LICENCES*

- 3 The provisions of Part III of this Act relating to...

*Status: Point in time view as at 17/03/1993.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed). (See end of Document for details)*

---

- 4 (1) A notice under paragraph 1 above need not state...
- 5 (1) A provisional licence shall not come into force until...  
Part III — *APPLICATION FOR TRANSFER*
- 6 (1) A person applying to the licensing board for the...
- 7 Paragraph 2 above shall apply in relation to paragraph 6...

SCHEDULE 3 —

.....

SCHEDULE 4 — Sunday Opening of Premises in Respect of which a Public House Licence or Refreshment Licence is or will be in force and Sunday Restriction Orders Relating to Licensed Premises

Part I — *APPLICATIONS FOR SUNDAY OPENING*

- 1 Applications may be made to a licensing board in accordance...
- 2 The holder of a public house licence or a refreshment...
- 3 The clerk of a licensing board shall, not later than...
- 4 The list mentioned in paragraph 3 above shall specify—
- 5 Section 10(2)(b) and section 10(5) of this Act shall, with...
- 6 It shall be competent for any person mentioned in section...
- 7 A licensing board shall refuse an application made under paragraph...
- 8 The consequence of the refusal of an application under paragraph...
- 9 An applicant may appeal to the sheriff against a decision...
- 10 Any competent objector who appeared at the hearing of any...
- 11 A licensing board shall not within two years of its...
- 12—14 .....
- 15 The grant of an application for Sunday opening under paragraph...
- 15A If an application for renewal of a public house licence...
- 16, 17 .....
- 18 The grant of an application for Sunday opening shall cease...

Part II — *SUNDAY RESTRICTION ORDERS*

- 19 .....
- 20 .....
- 21 .....
- 22 .....

SCHEDULE 5 — Penalties for Offences Against Provisions of this Act

SCHEDULE 6 — Forms Relating to Registration of Clubs

1 — *FORM OF STATEMENT TO ACCOMPANY APPLICATION BY CLUB FOR GRANT OR RENEWAL OF CERTIFICATE OF REGISTRATION*

We, [here state names and qualifications for making statement] [where...]  
[Signature, date and address of each person certifying, to be...

2 — *FORM OF CERTIFICATE OF REGISTRATION OF CLUBS TO BE GRANTED UNDER THIS ACT*

*Certificate of Registration*

I, , sheriff clerk of, registrar of clubs, hereby certify...  
Given under my hand this day of, 19 .Registrar of...

SCHEDULE 7 — Minor and Consequential Amendment of Enactments

*Status: Point in time view as at 17/03/1993.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed). (See end of Document for details)*

---

*The Burgh Police (Scotland) Act 1892*

- 1 In section 380(4) (penalties), for the word “exciseable” there shall...
- 2 In section 440 (brokers not to carry on business as...
- 3, 4 . . . . .

*The Finance Act 1967*

- 5 In section 5(3) (abolition of club licences, etc.), for the...

*Countryside (Scotland) Act 1967*

- 6 In section 78(1) (interpretation), for the definition of “refreshments” there...

*The New Towns (Scotland) Act 1968*

- 7 In section 18(2) (disposal of land by development corporation), for...
- 8 In section 47(1) (interpretation), after the definition of “the Act...

*The Gaming Act 1968*

- 9 In section 6 (general provisions as to gaming in licensed...
- 10 In section 7(2) (provisions as to persons under 18), the...
- 11 In section 8(7) (offences), for the words “subsection (7) of...
- 12 In paragraph 23 of Schedule 9 (permits under section 34),...

SCHEDULE 8 — Repeals

**Status:**

Point in time view as at 17/03/1993.

**Changes to legislation:**

There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed).