

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed), SCHEDULE 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

Sections 41 and 43.

#### 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 Part III of this Act shall, not less than five weeks before the hearing of the application, give notice in writing of the application to the chief constable and the clerk of the licensing board and serve both of them with a copy of—
  - (i) the certificate of the Secretary of State,
  - (ii) the draft rules which it is proposed to make as respects the persons entitled to use the canteen,
  - (iii) a plan of the canteen and particulars of the access to the canteen and of the sanitary accommodation for persons using the canteen.
- (2) The clerk of the licensing board shall, not later than three weeks before the hearing of the application, cause to be published notice of the application in one or more newspapers circulating in the licensing area.
- (3) A notice under this paragraph shall state the name and address of the person who is to be the holder of the licence, the types of alcoholic liquor it is desired to sell under the licence, and the situation of the canteen.
- 2 Where an applicant has, through inadvertence or misadventure, failed to comply with the foregoing paragraph, the licensing board may, upon such terms as it thinks fit, postpone consideration of the application and, if upon any such postponed consideration it is satisfied that any terms so imposed have been complied with, may deal with the application as if that paragraph had been complied with.

##### PART II

###### *APPLICATION FOR AND GRANT OF PROVISIONAL LICENCES*

- 3 The provisions of Part III of this Act relating to the grant of a licence, and the foregoing provisions of this Schedule, shall apply in relation to the grant of a provisional licence subject to the modifications specified in this Part of this Schedule.
- 4 (1) A notice under paragraph 1 above need not state the name and address of the person who is to be the holder of the licence, and references in that paragraph to the canteen shall be taken as references to the proposed canteen after the construction or conversion has been carried out.

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- (2) Paragraph (a) of section 41(1) of this Act shall be omitted, and the reference in paragraph (b) of that subsection to the premises shall be taken as a reference to those premises when the construction or conversion has been carried out.
- 5 (1) A provisional licence shall not come into force until the licensing board has made it final.
- (2) The licensing board shall not refuse an application to declare a provisional licence final, except, subject to sub-paragraph (3) below, on either or both of the following grounds—
- (a) that the canteen has not been constructed or converted in accordance with the plan lodged with the licensing board;
  - (b) that the person to whom the licence is to be granted is disqualified by or under this or any other enactment from holding a licence or is in other respects not a fit and proper person to hold a licence under Part III of this Act.
- (3) A licensing board shall declare final a provisional licence notwithstanding that it is not satisfied that the premises have been completed in accordance with the plan thereof lodged with the board, if it is satisfied that the premises have been completed and that the deviations from the said plan are of minor importance and have not materially altered the character of the premises or the facilities for the supply of alcoholic liquor thereat.
- (4) An applicant under this paragraph shall give such notices as the licensing board may require.

### PART III

#### *APPLICATION FOR TRANSFER*

- 6 (1) A person applying to the licensing board for the transfer of a licence under Part III of this Act shall, not less than two weeks before the meeting of the board, give notice in writing to the chief constable.
- (2) A notice under this paragraph shall state the name and address of the person to whom the licence is proposed to be transferred and his occupation during the six months preceding the giving of the notice.
- 7 Paragraph 2 above shall apply in relation to paragraph 6 above as it applies in relation to paragraph 1 above.

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