



Licensing (Scotland) Act 1976 (repealed)

1976 CHAPTER 66

PART VII

CLUBS

105 Procedure on application for grant or renewal of certificate of registration.

- (1) The applicant shall give intimation of the lodging of an application for the grant of a certificate of registration in respect of a club by—
 - (a) publishing a notice thereof twice in the 7 days immediately following the date of such lodging in a newspaper circulating in the area in which the club is situated;
 - (b) displaying a notice thereof in a conspicuous place on or near the premises occupied by the club for the period of 21 days immediately following that date.
- (2) On an application for the grant or for the renewal of such a certificate being lodged in accordance with the foregoing provisions of this Part of this Act, the registrar shall forthwith give notice of such application—
 - (a) to the chief constable;
 - (b) to the council [^{F1}within whose area] the premises are situated; and
 - (c) to the fire authority for the area.
- (3) Objection to the grant or renewal of a certificate of registration in respect of any club may be made on any of the grounds specified in section 108 of this Act by—
 - (a) any of the persons to whom notice has been given under subsection (2) above;
 - (b) any person owning or occupying property in the neighbourhood of the premises occupied by the club;
 - (c) a community council for the area in which the premises are situated which has been established in accordance with the provisions of the ^{M1}Local Government (Scotland) Act 1973 [^{F2}or section 22 of the Local Government etc. (Scotland) Act 1994]; and
 - (d) any church which in the opinion of the sheriff represents a significant body of opinion among persons residing in the neighbourhood of those premises.

Status: Point in time view as at 01/04/1996. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed), Section 105. (See end of Document for details)

- (4) Any such objections shall be lodged with the registrar by the objector and a copy of the objections shall be sent to the secretary of the club in respect of which the application is made within 21 days of the first publication of the notice in pursuance of subsection (1)(a) above.
- (5) Any objections to the renewal of a certificate of registration in respect of any club by any of the persons to whom notice has been given under subsection (2) above shall be lodged with the registrar and a copy of the objections sent to the secretary of the club concerned within 21 days of the date of the aforesaid notice.
- (6) On an application for the grant of a certificate of registration in respect of any club or for the renewal of such a certificate—
- (a) if no objections to the grant or renewal of such certificate are lodged in accordance with the foregoing provisions of this section, or if all such objections are withdrawn, the sheriff shall, if he is satisfied that the application has been duly made in accordance with the foregoing provisions of this Part of this Act and that the rules of the club are in conformity with the provisions of this Act, grant the application;
 - (b) if such objections are lodged and not withdrawn, the sheriff shall, as soon as may be, hear parties upon the application and objections and may order such enquiry as he thinks fit, and shall thereafter grant or refuse the certificate, and may award expenses against the unsuccessful party.
- (7) The sheriff shall, on granting any such application, cause the entries required by section 102 of this Act to be made in the register of clubs and thereupon the registrar shall issue to the applicant a certificate of registration in the form set out in Schedule 6 to this Act.

Textual Amendments

- F1** Words in s. 105(2)(b) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 106(7)(a)**; S.I. 1996/323, **art. 4(1)(c)**
- F2** Words in s. 105(3)(c) inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 106(7)(b)**; S.I. 1996/323, **art. 4(1)(c)**
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Marginal Citations

- M1** 1973 c. 65(81:2).

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