



Licensing (Scotland) Act 1976

1976 CHAPTER 66

PART VIII

MISCELLANEOUS, TRANSITIONAL & GENERAL

131 Temperance areas

- (1) Part VIII of the Licensing (Scotland) Act 1959 shall cease to have effect, but notwithstanding that repeal, where immediately before the commencement of this section a limiting resolution or a no-licence resolution was in force in any area, the following provisions of this section shall apply.
- (2) The limiting resolution or no-licence resolution shall continue to apply for a period of three years after the commencement of this section and thereafter until the district or islands council concerned with any area or part thereof otherwise resolve.
- (3) Before making any resolution as mentioned in subsection (2) above, the district or islands council shall consult with the community council or councils for the area concerned.
- (4) Where such a resolution is made in respect of any area, the licensing board for the area may, for a period of five years from the making of the resolution, refuse to grant a licence on the ground that, having regard to the distribution of facilities for the sale and supply of alcoholic liquor in the area, it is inexpedient that the licence applied for should be granted.
- (5) Notwithstanding the provisions of this section, where a limiting resolution or a no-licence resolution is in force in any area, the licensing board for the area may, if the board is satisfied that in the special circumstances of the case a licence is reasonably required, grant restaurant or restricted hotel licences for premises situated in the area, and such licences may be granted in addition to the number which the board may grant while a limiting resolution is in force.
- (6) Expressions used in this section and in Part VIII of the said Act of 1959 have the same meanings in this section as they have in that Part.