



Licensing (Scotland) Act 1976 (repealed)

1976 CHAPTER 66

PART II

THE GENERAL LICENSING SYSTEM

26 Provisional grant of licence.

- (1) A licensing board may, on an application in that behalf made to the board by any person interested in premises about to be constructed or in course of construction for use as licensed premises, make a provisional grant of a licence in respect of those premises if the board is satisfied—
 - (a) that the premises will be fit and convenient for their purpose, and
 - (b) that, if the premises had been completed in accordance with the plan thereof lodged with the board in pursuance of section 10 of this Act, the board would on application have granted such a licence in respect thereof.
- (2) If on an application under this section the applicant lodges with the board, instead of the plan mentioned in paragraph (b) of subsection (1) above, a plan sufficient to identify the site of the premises, together with such description of the premises as will give a general indication of their proposed size and character (with reference in particular to the sale of alcoholic liquor), then—
 - (a) the licensing board shall deal with the application as if made under subsection (1) above; but
 - (b) any provisional grant of a licence made on an application under this subsection shall become ineffective unless affirmed by the licensing board on application made to the board to that effect within 12 months of the provisional grant of the licence, any such application being accompanied by a plan of the premises.
- (3) A licensing board may consider any application made to it under paragraph (b) of subsection (2) above at any meeting of the board held not earlier than 14 days after the making of the application and shall affirm the provisional grant if the board is satisfied that the premises, if completed in accordance with the plan mentioned in that paragraph, will be fit and convenient for their purpose and that the said plan does not

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed), Section 26. (See end of Document for details)

deviate materially from the site plan and description of the premises lodged under the said subsection (2).

- (4) A licence of which a provisional grant has been made as aforesaid shall not come into force until such grant is declared final by the licensing board, and subject to subsection (6) below, the board shall, on being so requested, declare the grant final if it is satisfied either—
 - (a) that the premises in respect of which the grant was made have been completed in accordance with the plan thereof lodged with the board, or
 - (b) that the premises have been completed and that such deviations from the said plan as exist are of minor importance and have not materially altered the character of the premises or the facilities for the supply of alcoholic liquor thereat.
- (5) A licensing board shall not entertain a request to declare the provisional grant of a licence final unless the person to whom the grant was made has given to the board such notice of his intention to make the request as may be prescribed.
- (6) In the case of a request by a person other than an individual natural person that the licensing board shall declare the provisional grant of a licence final, that person shall include in the notice mentioned in subsection (5) above the name of the employee or agent whom it is intended should have the day to day running of the premises, and the board shall not declare the provisional grant final if it finds that the employee or agent so named in the notice is not a fit and proper person to be the holder of a licence.
- (7) Where a licensing board declares a provisional grant final in such a case as is described in subsection (6) above, the licence shall be in the names of both persons mentioned in that subsection, and any reference in this Act to the holder of a licence includes a reference to both of those persons.
- (8) Until the date of the first renewal of licences provisionally granted under subsection (1) or (2) above after those licences have been declared final, subsections (2) to (5) of section 30 of this Act shall have effect in relation to those licences with the substitution in subsection (3) of section 30 of a reference to one year instead of the reference to three years.
- (9) A licensing board may refuse to renew a licence provisionally granted under subsection (1) or (2) above if the board considers that there has been unreasonable delay on the part of the applicant in completing the premises.
- (10) An applicant may appeal to the sheriff against a decision of a licensing board to refuse to affirm a licence under subsection (2) above or to refuse to declare a provisional grant of a licence final under subsection (4) above.

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