



Licensing (Scotland) Act 1976 (repealed)

1976 CHAPTER 66

PART II

THE GENERAL LICENSING SYSTEM

36 Power of licensing board to order structural alterations on renewal of certain licences.

- (1) On any application for the renewal of a licence in respect of any premises (other than off-sale premises), a licensing board may require a plan of the licensed premises to be produced to the board and lodged with the clerk, and on renewing such licence the board may order that, within a time fixed by the order, such structural alterations as the board thinks reasonably necessary to secure the proper conduct of the business shall be made in that part of the licensed premises in which alcoholic liquor is sold or consumed.
- (2) Where an order made under this section is complied with, the licensing board shall not make a further order in respect of those premises within the 6 years following the date of the first-mentioned order unless during that time the board has refused to renew the licence in force in respect of the premises.
- (3) If the holder of a licence makes default in complying with an order made under this section, he shall be guilty of an offence, and he shall be guilty of a further offence for every day on which the default continues after the expiry of the time fixed by the order.
- (4) If the holder of a licence makes default in complying with an order made under this section, the licensing board may order the suspension of his licence and any such order shall specify the matters on which the order is based.
- (5) An order under subsection (4) above shall remain in force until such time as the board is satisfied that the matters which led to the order have been satisfactorily remedied.
- (6) The licence-holder may apply to the board for the cancellation of the order on the ground that the matters which led to the order have been satisfactorily remedied.

Status: Point in time view as at 01/09/2007. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Licensing (Scotland) Act 1976 (repealed), Section 36. (See end of Document for details)

- (7) Where a licensing board decides to order the suspension of a licence the suspension shall not take effect until the expiry of the time within which the holder of the licence may appeal to the sheriff, or, if the holder appeals to the sheriff or thereafter to the Court of Session, until the appeal has been determined in favour of the suspension or has been abandoned.
- (8) The holder of the licence may appeal to the sheriff against an order made under subsection (4) above or against a refusal of a licensing board to cancel such an order.

Textual Amendments applied to the whole legislation

- F1** Act repealed (1.6.2006 for specified purposes, 1.5.2007 for specified purposes, 1.2.2008 for specified purposes, 1.9.2009 in so far as not already in force) by [Licensing \(Scotland\) Act 2005 \(asp 16\)](#), s. 150(2), [sch. 7](#) (with s. 143); [S.S.I. 2006/286](#), art. 2(b) (with [arts. 3-5](#)) (as amended (1.5.2007) by [S.S.I. 2007/128](#), art. 6); [S.S.I 2007/129](#), art. 3, sch.; [S.S.I 2007/472](#), arts. 2, 3, sch. 1, sch. 2

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