



# Licensing (Scotland) Act 1976

## 1976 CHAPTER 66

### PART III

#### SEAMEN'S CANTEENS

#### **41 Procedure for grant of licences**

- (1) A licensing board shall not refuse to grant a licence under this Part of this Act except under subsection (2) below or on one or more of the following grounds—
- (a) that the applicant is disqualified by or under this or any other enactment for holding a licence or is in other respects not a fit and proper person to hold a licence under this Part of this Act; or
  - (b) that the premises to which an application relates are not fit and convenient for the purposes of the canteen ; or
  - (c) in a case where objection has been made to the situation of the canteen, on the ground specified in the objection; or
  - (d) that the applicant or body providing the canteen has entered into an agreement limiting the sources from which the alcoholic liquor or the mineral waters to be sold in the canteen may be obtained ;

but nothing in this subsection shall prevent a licensing board from specifying in the licence granted by it the types of liquor (including if the board thinks fit types of liquor other than those in respect of which the application for the licence was made) which may be sold under the licence, and the holder of the licence or his employee or agent shall be guilty of an offence if he sells alcoholic liquor of a type other than that specified in the licence.

- (2) Before application is made for the grant of a licence under this Part of this Act, draft rules as to the persons entitled to use the canteen shall be prepared for submission with the application, and the licensing board shall refuse to grant the licence unless the body providing the canteen undertake to make rules for the canteen in the form of the draft, with the modifications, if any, required by the licensing board, and not to vary those rules without the consent of the licensing board.

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*Status: This is the original version (as it was originally enacted).*

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- (3) Any licence granted under this Part of this Act shall provide that at all times a-t which alcoholic liquor is sold, food and beverages other than alcoholic liquor shall also be provided for sale, and if such food and beverages are not so provided, the holder of the licence or his employee or agent, as the case may be, shall be guilty of an offence.
- (4) Part I of Schedule 2 to this Act shall have effect as respects the notices to be given and the documents to be served on an application for the grant of a licence under this Part of this Act.
- (5) A licence under this Part of this Act may, in a case where it is proposed to construct or convert premises for a seamen's canteen, be a provisional licence to be made final after the proposal has been carried out; and Part II of the said Schedule 2 shall have effect as respects such licences.
- (6) Where any person desires to oppose an application for the grant of a licence under this Part of this Act, he shall, not later than seven days before the meeting of the licensing board at which the application is to be considered, give to the licensing board and to the applicant written notice of his objection specifying the ground of his objection in the manner mentioned in section 16(2) and (3) of this Act.
- (7) Notwithstanding the foregoing provisions of this section, it shall be competent for a licensing board to entertain objections from the chief constable, lodged at any time before the hearing of an application, if the licensing board is satisfied that there is sufficient reason why due notice and intimation of the objection could not be given, and in such case the chief constable shall, where practicable, cause his objections to be intimated to the applicant before the hearing.