



Law Reform (Miscellaneous Provisions) (Scotland) Act 1990

1990 CHAPTER 40

PART III

THE LICENSING (SCOTLAND) ACT 1976

Children's certificates

49 Children's certificates

- (1) The holder of a public house licence or an hotel licence in respect of any premises or an applicant for the grant, provisional grant or renewal of such a licence may apply to the licensing board, in accordance with this section, for the grant of a children's certificate in respect of the premises or any part or parts of the premises specified in the application for the certificate.
- (2) A licensing board may grant a certificate (in this section and section 50 of this Act referred to as a "children's certificate") in respect of any premises or, as the case may be, part or parts of any premises if it is satisfied—
 - (a) that the premises or, as the case may be, the part or parts of the premises constitute an environment in which it is suitable for children to be present; and
 - (b) that there will be available for sale or supply for consumption in the part of the premises in respect of which the certificate is to apply meals and beverages other than alcoholic liquor within the meaning of the principal Act.
- (3) Where a children's certificate is in force in respect of any part of any premises, notwithstanding section 69 of the principal Act, and, subject to the provisions of this section, it shall be lawful for a person under 14 years of age accompanied by a person of not less than 18 years of age to be present in such part at any time when the premises are open to the public between eleven in the morning and eight in the evening for the purpose of the consumption of a meal sold or supplied on the premises.

Status: This is the original version (as it was originally enacted).

- (4) When granting a children's certificate, the licensing board may attach such conditions to the grant of the certificate, including conditions restricting the hours during which and days on which children may be present in any premises or part of premises to which the certificate relates, as appear to the board to be appropriate.
- (5) There shall be displayed at all times in any premises or part of such premises to which a children's certificate applies a notice of the fact that a children's certificate has been granted in respect of such premises or part.
- (6) Any person who is the holder of a licence in respect of any premises to which or part of which a children's certificate applies or any employee or agent of such a person who contravenes this section or any condition attached to a children's certificate shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) The following provisions of the principal Act shall apply as regards an offence under subsection (6) above—
 - (a) subsections (2) and (3) of section 67, as if an entry relating to that offence appeared respectively in columns 3 and 4 of Schedule 5 to that Act; and
 - (b) section 71.
- (8) Schedule 5 to this Act shall have effect as regards the procedure to be followed for the purposes of an application for a children's certificate.
- (9) A children's certificate shall be valid—
 - (a) where it is granted at the same time as the grant, provisional grant or renewal of a licence, for the period of the licence;
 - (b) where it is granted at any other time, until the end of the period for which the licence to which it relates has effect in pursuance of section 30 of the principal Act.
- (10) Where a licence is transferred in pursuance of section 25 of the principal Act, any children's certificate in respect of the premises or any part of the premises to which the licence relates shall be transferred to the new licence holder subject to the same conditions as were applied to the original grant of the certificate.
- (11) Expressions used in this section and section 50 of this Act and in the principal Act shall have the same meaning as in the principal Act.

50 Suspension of children's certificate

- (1) Where a licensing board considers that the premises or part of the premises to which a children's certificate relates no longer constitute an environment in which it is suitable for children to be present they shall decide whether or not to hold a hearing for the purpose of determining whether to suspend the certificate.
- (2) Where the licensing board decides to hold a hearing as mentioned in subsection (1) above—
 - (a) the clerk of the board shall serve on the holder of the children's certificate, not less than 21 days before the hearing, a notice that the board proposes to hold a hearing, specifying the grounds upon which suspension of the certificate may be made;
 - (b) the clerk of the board shall give notice of the hearing to the chief constable;

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- (c) the chief constable may, not less than 7 days before the hearing, lodge notice with the clerk of the board that he wishes to be heard in support of suspension of the children's certificate specifying the grounds on which he seeks such suspension, and any such notice shall be intimated by the chief constable to the holder of the licence;
 - (d) the board shall not order suspension of a children's certificate without hearing the holder thereof unless, after receiving due notice of the hearing, the holder fails to appear.
- (3) The period of the suspension of a children's certificate under this section shall be a fixed period not exceeding one year or the unexpired portion of the duration of the certificate, whichever is the less, and the effect of the suspension is that the certificate shall cease to have effect during the period of the suspension.
- (4) Where
- (a) a children's certificate has been suspended under this section, or further suspended under this subsection; and
 - (b) it appears to the licensing board that the grounds upon which the suspension or further suspension was made continue to obtain,

the licensing board may, not more than one month before the expiry of the period of the suspension or, as the case may be, further suspension, determine that the suspension shall be continued for a further period of not more than one year, and this section shall have effect as regards any such further suspension as it has for the purposes of an initial suspension.