
STATUTORY INSTRUMENTS

1992 No. 1011 (S.97)

LICENSING (LIQUOR)

The Liquor Licensing (Fees) (Scotland) Variation Order 1992

Made - - - - *14th April 1992*

Coming into force - - *15th April 1992*

The Secretary of State, in exercise of the powers conferred on him by sections 8(1) and 135 of the Licensing (Scotland) Act 1976⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Order:

1.—(1) This Order may be cited as the Liquor Licensing (Fees) (Scotland) Variation Order 1992 and shall come into force on 15th April 1992.

(2) In this Order “the Act” means the Licensing (Scotland) Act 1976 and “the principal Order” means the Liquor Licensing (Fees) (Scotland) Order 1990⁽²⁾.

2. Part I of the Schedule to the principal Order (which determines the fees payable by an applicant to a licensing board in respect of specified matters) shall be varied by substituting for the entries therein relating to applications for the temporary transfer of licence to new tenant or new or existing occupant under section 25(1) of the Act and applications for the permanent transfer of licence under section 25(1B) of the Act the following entries:—

“Permanent transfer of licence	section 25(1)(3)	83	N/A
Temporary transfer of licence	section 25(1A)(4)	12	N/A
Permanent transfer of licence transferred temporarily	section 25(1B)(5)	71	N/A”.

3. The principal Order shall continue to apply, as if article 2 of this Order had not come into force, for the purposes of determining the fee payable in respect of the permanent transfer, under

(1) 1976 c. 66.

(2) S.I. 1990/2458.

(3) Section 25(1) was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40), section 51(2) and by the Licensing (Amendment) (Scotland) Act 1992 (c. 18), section 1(1)(a).

(4) Section 25(1A) was substituted by the Licensing (Amendment) (Scotland) Act 1992 (c. 18), section 1(1)(b).

(5) Section 25(1B) was substituted by the Licensing (Amendment) (Scotland) Act 1992 (c. 18), section 1(1)(b).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

section 25(1B)(6) of the Act as originally enacted, of a licence which was temporarily transferred, before 15th April 1992, under section 25(1) of the Act.

St. Andrew's House,
Edinburgh
14th April 1992

Ian Lang
One of Her Majesty's Principal Secretaries of
State,

(6) Section 25(1B) was originally inserted by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (C.40), section 51(3).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order varies the Liquor Licensing (Fees) (Scotland) Order 1990 which determines the fees payable by an applicant to a licensing board under the Licensing (Scotland) Act 1976 in respect of matters listed in the Schedule to that Order.

Article 2 deletes the references in that Schedule to transfers of licences under section 25(1) and (1B) of the 1976 Act. Section 25(1) was amended and new subsections (1A) and (1B) were substituted in section 25 by the Licensing (Amendment) (Scotland) Act 1992 (c. 18). These changes provided a new procedure for the permanent and temporary transfer of liquor licences. Accordingly, Article 2 also inserts new entries in the Schedule to the 1990 Order for the determination of fees payable in respect of applications under the new provisions.

The new procedures provided by the 1992 Act will come into force on 15th April 1992. However, section 25(1B) as originally enacted will continue to apply (by virtue of article 4 of the Licensing (Amendment) (Scotland) Act 1992 (Commencement and Savings) Order 1992 (S.I.1992/819)) in relation to any licence temporarily transferred, before 15th April 1992, under section 25(1) of the 1976 Act. Accordingly, article 3 of this Order preserves the 1990 Order for the purposes of determining the fee payable on the permanent transfer (under section 25(1B) as so saved) of such a licence.