

2007 No. 34

LICENSING (LIQUOR)

**The Licence Transfer (Prescribed Persons)  
(Scotland) Regulations 2007**

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<i>Made</i>	<i>31st January 2007</i>
<i>Laid before the Scottish Parliament</i>	<i>2nd February 2007</i>
<i>Coming into force</i>	<i>1st February 2008</i>

The Scottish Ministers, in exercise of the powers conferred by sections 34(1), 146(2) and 147(1) of the Licensing (Scotland) Act 2005<sup>1</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:

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**Notes**

<sup>1</sup> See the definition of “prescribed” in section 147(1).

**Extent**

Preamble: Scotland

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 Law In Force

**1. Citation and commencement**

These Regulations may be cited as the Licence Transfer (Prescribed Persons) (Scotland) Regulations 2007 and shall come into force on 1st February 2008.

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**Commencement**

reg. 1: February 1, 2008

**Extent**

reg. 1: Scotland

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✔ Law In Force

## 2.— Provision made by regulations 3 to 7

(1) Regulations 3 to 7 make provision as to who may apply to a Licensing Board as referred to in subsection (1) of section 34 of the Licensing (Scotland) Act 2005 following the occurrence of an event specified in subsection (3) of that section.

(2) In regulations 3 to 7, any reference to a paragraph is a reference to the appropriate paragraph in section 34(3) of the Licensing (Scotland) Act 2005.

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### Commencement

reg. 2(1)-(2): February 1, 2008

### Extent

reg. 2(1)-(2): Scotland

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✔ Law In Force

## 3. Death

In respect of the occurrence of an event specified in paragraph (a)(i), the person who may apply is any executor or personal representative of the licence holder.

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### Commencement

reg. 3: February 1, 2008

### Extent

reg. 3: Scotland

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✔ Law In Force

## 4. Incapacity

In respect of the occurrence of an event specified in paragraph (a)(ii), the person who may apply is—

- (a) any person who has been granted a power of attorney by the licence holder; or
- (b) any person authorised to act on behalf of the licence holder by virtue of the Adults with Incapacity (Scotland) Act 2000.

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### Commencement

reg. 4(a)-(b): February 1, 2008

### Extent

reg. 4(a)-(b): Scotland

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✓ Law In Force

## 5. Insolvency

In respect of the occurrence of an event specified in paragraph (b), the person who may apply is any person acting as insolvency practitioner (within the meaning of section 388 of the Insolvency Act 1986<sup>1</sup>) in relation to the licence holder.

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### Notes

<sup>1</sup> Section 388 was amended by the Bankruptcy (Scotland) Act 1993 (c.6), section 11(1), the Insolvency Act 2000 (c.39), section 4(2), and S.I. 1994/2421 and 2002/1240 and 2708.

### Commencement

reg. 5: February 1, 2008

### Extent

reg. 5: Scotland

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✓ Law In Force

## 6. Dissolution

In respect of the occurrence of an event specified in paragraph (c), the person who may apply is any person responsible for administering the dissolution of the licence holder.

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### Commencement

reg. 6: February 1, 2008

### Extent

reg. 6: Scotland

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✓ Law In Force

## 7. Transfer of business

In respect of the occurrence of an event specified in paragraph (d), the person who may apply is any person to whom the business in question is transferred.

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### Commencement

reg. 7: February 1, 2008

### Extent

reg. 7: Scotland

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✓ Law In Force

GEORGE LYON

Authorised to sign by the Scottish Ministers  
St Andrew's House, Edinburgh

31st January 2007

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### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

In terms of section 34 of the Licensing (Scotland) Act 2005, a person of a prescribed description (not being the licence holder) may make application to the relevant Licensing Board for transfer of a premises licence. Such an application must be made within 28 days of the occurrence of any of the events specified in subsection (3) of section 34.

Regulations 3 to 7 of these Regulations provide as to the prescribed description of person in respect of each of the occurrences specified in section 34(3).

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