

INFORMATION NOTE : LICENSING (SCOTLAND) ACT 2005 - RIGHTS OF APPEAL¹

Decisions subject to appeal	Parties who can appeal	Deadline for lodging appeal
Refusal of: <ul style="list-style-type: none"> - premises licence application, - variation application, - transfer application, - variation on transfer, - application under s40 to revoke a variation or suspension of a premises licence - extension of provisional licence - confirmation of provisional temporary licence - extension temporary licence - occasional licence application - extended hours application 	Applicant (Appeal to Sheriff Principal)	Under Summary Applications Rule 3.34, the deadline for lodging an appeal with the sheriff clerk is not later than 21 days after either <ul style="list-style-type: none"> • The date of the Board's decision, or • Where a statement of reasons <u>under section 51(2)</u> has been required, the date of issue of the statement of reasons However, this rule omits reference to statements of reasons required under s61(1) (occasional licence applications), s70(4) (extended hours applications), s79(2) (personal licence applications), s39A (review hearings). It is assumed therefore that appeals in respect of these types of decisions would require to be lodged within 21 days of the date of the Board's decision and not within 21 days of issue of the statement of reasons.
Grant of occasional licence	Any person who lodged objection under s58(1) (Appeal to Sheriff Principal)	See above
Decision to issue a written warning, make a variation, suspend or revoke a premises licence following a review hearing (following a review hearing)	Premises licence holder or the review applicant (Appeal to Sheriff Principal)	See above

¹ Section references are to sections of the Licensing (Scotland) Act 2005. Regulation references are to the Licensing (Procedure) (Scotland) Regulations 2007 (SSI 2007/453)

Decisions subject to appeal	Parties who can appeal	Deadline for lodging appeal
Refusal of personal licence	Applicant (Appeal to Sheriff)	See above
Revocation, suspension or endorsement of personal licence	Personal Licence Holder (Appeal to Sheriff)	The provisions of s83, s84 and s86 relating to orders for revocation, suspension or endorsement of a personal licence do not include provision entitling the personal licence holder to a statement of reasons, albeit the Board has to give the licence holder notice of the order and the reasons for making it. It is assumed therefore that under Summary Application Rule 3.34, appeals against decisions to revoke, suspend or endorse personal licences would require to be lodged within 21 days of the date of the Board's decision, rather than 21 days of receipt of the notice of the order containing the reasons for making it.