

**Disqualifications from being a Member of the Licensing Board
under the Licensing Scotland Act 1976**

“Disqualification of interested persons

- 2(1) A person who is, or who is in partnership with any person as, a brewer, maltster, distiller or dealer in or retailer of alcoholic liquor, shall not act as a member of a licensing board for any purpose under this Act.
- (2) A member of a licensing board who holds a disqualifying interest in a company shall not take part in any proceedings before the board in which that company is an applicant or an objector, and in this subsection “disqualifying interest” means a beneficial interest in shares or stocks of a close company within the meaning of section 282 of the Income and Corporation Taxes Act 1970 which have a total nominal value exceeding £50 or which amount to more than one hundredth part of the nominal value of the issued share capital, or stock, as the case may be, of the company or any class of such capital or stock.
- (3) A person who is an employee of a holder of a licence under this Act and any other person engaged in a business which deals in alcoholic liquor, including directors, officers and employees of companies so engaged shall not act as a member of licensing board for any purpose under this Act.
- (4) A member of a licensing board shall not act in the granting of a licence in respect of premise of which he is the proprietor, tenant or sub-tenant.
- (5) If any person knowingly and wilfully contravenes this section, he shall be guilty of an offence.
- (6) Anything done by any person in contravention of this section shall be void:
Provided that the grant of a new licence under this Act shall not be liable to objection on the ground that the members of the licensing board, or any of them, were not qualified to grant a licence.
- (7) A person shall not be disqualified from acting as a member of a licensing board in relation to any matter by reason only that as a member of a committee constituted under section 47 of this Act he was concerned with the matter in question.”

**Disqualifications from being a Member of the Licensing Board
under the Licensing Scotland Act 2005**

“3. Disqualification from membership

- (1) A councillor is disqualified from election as, and from being, a member of a Licensing Board if the councillor is:
 - (a) a premises licence holder,
 - (b) an employee of a premises licence holder and works as such in licensed premises,
 - (c) whether alone or in partnership with another person, engaged in the business of producing or selling alcohol,
 - (d) a director or other officer of a company so engaged, or
 - (e) an employee of any person so engaged and works as such in that business.
- (2) A councillor who knowingly acts or purports to act as a member of a Licensing Board at a time when the councillor is disqualified from being such a member by virtue of sub-paragraph (1) commits an offence.
- (3) A person guilty of an offence under sub-paragraph (2) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”