

# Licensing (Scotland) Act 2005

## Occasional Licence – Mandatory Conditions

### Occasional licence

#### National mandatory licence conditions

The following are the mandatory conditions which every Occasional Licence is subject to in accordance with the Licensing (Scotland) Act 2005, Section 60(1) and Schedule 4.

#### Interpretation

1. In this schedule, “the premises” means, in relation to any occasional licence, the premises specified in the licence.

#### Compliance with licence

2. (1) Alcohol may be sold on the premises only in accordance with the terms of the licence.  
(2) Nothing in sub-paragraph (1) is to be read as preventing or restricting the doing of anything referred to in Section 63(2).
3. Any other activity to be carried on in the premises may be carried on only in accordance with the description of the activity contained in the licence.

#### Authorisation of sales of alcohol

4. (1) The condition specified in sub-paragraph (2) applies only to an occasional licence issued to the holder of a premises licence or personal licence.  
(2) Every sale of alcohol made on the premises to which the licence relates must be authorised (whether generally or specifically) by the holder of a personal licence.

#### Voluntary Organisations

5. (1) The condition specified in sub-paragraph (2) applies only to an occasional licence issued to a representative of a voluntary organisation.  
(2) Alcohol may be sold on the premises only at an event taking place on the premises in connection with the voluntary organisation’s activities.

#### Pricing of alcohol

- 5A. (1) Alcohol must not be sold on the premises at a price below its minimum price.  
(2) Where alcohol is supplied together with other products or services for a single price, sub-paragraph (1) applies as if the alcohol were supplied on its own for that price.  
(3) The minimum price of alcohol is to be calculated according to the following formula—  
$$\text{MPU} \times \text{S} \times \text{V} \times 100$$

Where—  
MPU is the minimum price per unit,  
S is the strength of the alcohol, and  
V is the volume of the alcohol in litres.

  
(4) The Scottish Ministers are to specify by order the minimum price per unit for the purposes of sub-paragraph (3).

- (5) For the purposes of sub-paragraph (3), where—
- (a) the alcohol is contained in a bottle or other container, and
  - (b) the bottle or other container is marked or labelled in accordance with relevant labelling provisions, the strength is taken to be the alcoholic strength by volume as indicated by the mark or label.
- (6) The Scottish Ministers are to specify by order the enactments which are relevant labelling provisions for the purposes of sub-paragraph (5).

- 5B**
- (1) A package containing two or more alcoholic products (whether of the same or different kinds) may only be sold on the premises at a price equal to or greater than the sum of the prices at which each alcoholic product is for sale.
  - (2) Sub-paragraph (1) applies –
    - (a) only where each of the alcoholic products is for sale on the premises separately, and
    - (b) regardless of whether or not the package also contains any item which is not an alcoholic product.
  - (3) In this paragraph, “alcoholic product” means a product containing alcohol and includes the container in which alcohol is for sale.

- 6.** Where the price at which any alcohol sold on the premises for consumption on the premises is varied:-
- (a) the variation (referred to in this paragraph as “the earlier price variation”) may be brought into effect only at the beginning of a period of licensed hours, and
  - (b) no further variation of the price at which that or any other alcohol is sold on the premises for consumption on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of the earlier

- 6A** Where the price at which any alcohol sold on the premises for consumption off the premises is varied:-
- (a) the variation (referred to in this paragraph as “the earlier price variation”) may be brought into effect only at the beginning of a period of licensed hours, and
  - (b) no further variation in the price at which that alcohol is sold on the premises for consumption on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of the earlier price variation.

### **Irresponsible drinks promotions**

- 7.**
- (1) An irresponsible drinks promotion must not be carried on in or in connection with the premises.
  - (2) Subject to sub-paragraph (3), a drinks promotion is irresponsible if it:-
    - (a) relates specifically to an alcoholic drink likely to appeal largely to persons under the age of 18,
    - (b) involves the supply of an alcoholic drink free of charge or at a reduced price on the purchase of one or more drinks (whether or not alcoholic drinks),
    - (c) involves the supply free of charge or at a reduced price of one or more extra measures of an alcoholic drink on the purchase of one or more measures of the drink,
    - (d) involves the supply of unlimited amounts of alcohol for a fixed charge (including any charge for entry to the premises),

- (e) encourages, or seeks to encourage, a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume,
  - (f) is based on the strength of any alcohol,
  - (g) rewards or encourages, or seeks to reward or encourage, drinking alcohol quickly, or
  - (h) offers alcohol as a reward or prize, unless the alcohol is in a sealed container and consumed off the premises.
- (3) Paragraphs (c) to (e) of sub-paragraph (2) apply only to a drinks promotion carried on in relation to alcohol sold for consumption on the premises.
- (4) The Scottish Ministers may by regulations modify sub-paragraph (2) or (3) so as to:-
- (a) add further descriptions of drinks promotions.
  - (b) modify any of the descriptions of drinks promotions for the time being listed in it, or
  - (c) extend or restrict the application of any of those descriptions of drinks promotions.
- (5) In this paragraph, “drinks promotion” means, in relation to any premises, any activity which promotes, or seeks to promote, the buying or consumption of any alcohol on the premises.

#### **Provision of non-alcoholic drinks**

- 8.**
- (1) The conditions specified in this paragraph apply only to the extent that the occasional licence authorises the sale of alcohol for consumption on the premises.
  - (2) Tap water fit for drinking must be provided free of charge on request.
  - (3) Other non-alcoholic drinks must be available for purchase at a reasonable price.

#### **Age verification policy**

- 9.**
- (1) There must be an age verification policy in relation to the sale of alcohol on the premises.
  - (2) An “age verification policy” is a policy that steps are to be taken to establish the age of a person attempting to buy alcohol on the premises (“the customer”) if it appears to the person selling the alcohol that the customer may be less than 25 years of age (or such older age as may be specified in the policy).
  - (3) The condition specified in this paragraph does not apply in relation to any sale of alcohol which takes place on the premises merely by virtue of being treated, by section 139, as taking place on the premises.