STATUTORY INSTRUMENTS

1979 No. 1520 (S. 124)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Appeals under the Licensing (Scotland) Act 1976) (Amendment) 1979

Made - - - - *23rd November* 1979

Coming into Operation *21st December* 1979

The Lords of Council and Session under and by virtue of the powers conferred upon them by section 32 of the Sheriff Courts (Scotland) Act 1971(**a**) and by section 39(9) of the Licensing (Scotland) Act 1976(**b**) and of all other powers enabling them in that behalf, and after consultations with the Sheriff Court Rules Council, do hereby enact and declare—

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Appeals under the Licensing (Scotland) Act 1976) (Amendment) 1979 and shall come into operation on 21st December 1979.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

Amendment of rule 3

2. In the Act of Sederunt (Appeals under the Licensing (Scotland) Act 1976) 1977(**c**), for paragraph 3 (service of copy of initial writ) substitute the following paragraph—

"3. At the same time as the initial writ is lodged with the sheriff clerk or as soon as may be thereafter, the appellant shall serve a copy of the initial writ—

(*a*) on the clerk of the licensing board; and

(*b*) if he was the applicant at the hearing before the licensing board, on all other parties who appeared (whether personally or by means of a representative) at the hearing; and

(*c*) if he was an objector at that hearing, on the applicant."

G. C. Emslie,
Lord President,
I.P.D.

Edinburgh.
23rd November 1979.

(**a**) 1971 c. 58. (**b**) 1976 c. 66. (**c**) S.I. 1977/1622.

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt)

This Act of Sederunt amends the Act of Sederunt (Appeals under the Licensing (Scotland) Act 1976) 1977 by providing that where an objector appeals against the grant of a licence he only requires to serve the initial writ on the clerk to the licensing board and the applicant. The effect of this amendment is that he does not require to serve the initial writ on any other objector.

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