

Licensing (Scotland) Act 2005 Section 142 Guidance for Licensing Boards -

Licensing Board powers to determine a general extension of hours - FIFA World Cup 2026

Introduction

Under section 142 of the Licensing (Scotland) Act 2005 (“the 2005 Act”), the Scottish Ministers may issue guidance to Licensing Boards as to the exercise of their functions under the 2005 Act. Section 142 of the 2005 Act requires Licensing Boards to have regard to the guidance. Any guidance is intended to assist Licensing Boards as they carry out their responsibilities under the 2005 Act.

The Scottish Government published [updated section 142 guidance in January 2023](#).

This guidance is temporary supplementary guidance and relates to consideration of relevant issues to help facilitate a Licensing Board being able to determine extensions to licensed hours for games during the FIFA World Cup 2026.

The Men’s World Cup will take place in Canada, Mexico and the United States of America between 11 June 2026 – 19 July 2026.

Scotland play three games in their group:

Sunday 14 June 2026: Scotland vs Haiti – UK kick off time 0200

Friday 19 June 2026: Scotland vs Morocco – UK kick off time 2300

Wednesday 24 June 2026: Scotland vs. Brazil – UK kick off time 2300

Each of these games will likely finish beyond licensed hours for many, if not all, licensed premises within an area.

The issue arises due to UK kick off times for each of Scotland’s games being times that may lead to an issue with licensed premises usual opening hours. In particular, the game on Sunday 14 June is not expected to finish until approximately 0415-0430 (exact time dependent on a number of variables including additional time added by the referee etc.). However, the two other games will also not likely finish until 0115-0130 which will also create issues in terms of many licensed premises usual opening hours.

Licensing Boards may also want to consider extension of hours for further Scotland games if the team qualifies from the Group. The dates and times of such matches are of course still to be confirmed.

In addition to Scotland games, Licensing Boards may also wish to give consideration to allowing licensed premises to stay open to show other games during the World Cup with many late night/early morning kick offs UK time.

Where decisions have already been made, there is no need for re-taking of decisions in light of this guidance. However, for decisions yet to be made, the Scottish Government is keen to see a proportionate approach being taken by Licensing Boards across Scotland which would allow premises, where appropriate, to allow people to come together to watch games in a social environment by remaining open later than normal for the purpose of screening games, whilst maintaining public safety and minimising the risk of public nuisance or disorder.

While the licensing system is decentralised so that local communities are those that influence decisions through Licensing Boards, the 2005 Act envisages a role for Scottish Ministers to assist Licensing Boards in how they carry out functions under the 2005 Act. While not written into section 142 of the 2005 Act itself, where an issue is of national relevance then it may be considered there may be merit in Scottish Ministers providing further guidance to Licensing Boards as to the exercise of their functions in that regard.

The following information is intended to assist Licensing Boards in approaching consideration of determinations to grant extension of hours to on-sales of alcohol within Licensing Board areas during the World Cup.

Historic achievement of national significance

The qualification of the Scotland Men's team to the World Cup represents the first time this century that the team has qualified. This is a significant achievement by the team that people across Scotland are very proud of and it is the first time under the 2005 Act where consideration can be given to determining extension of licensed hours for the on-sale of alcohol in the context of Scotland being involved in the Men's World Cup.

Section 67 of the 2005 Act provides a power for Licensing Boards to grant general extensions to licensed hours in connection with special events of local or national significance if they consider it appropriate to do so.

Scotland qualifying for the World Cup clearly represents an event with national significance.

The Scottish Ministers are clear that the people of Scotland should be given as much opportunity as possible to watch Scotland play including in places where they can come together with fellow fans to enjoy the games. Given many licensed premises already allow fans of many different sports to come together to socialise while watching sport, the issue that arises is, given the times these games are being shown, whether action should be taken to allow relevant premises to be open when games are taking place.

2005 Act Framework

In considering whether to allow licensed premises in their locality to stay open later during the World Cup, Licensing Boards should have regard to the licensing objectives of the 2005 Act, and their Statements of Licensing Policy.

The five licensing objectives are:

- preventing crime and disorder;
- securing public safety;

- preventing public nuisance;
- protecting and improving public health; and
- protecting children and young persons from harm.

Each objective is equally important. No one licensing objective carries more weight than any other and it is always a matter for Licensing Boards to weigh up these objectives when making decisions under the 2005 Act.

General extension of hours – section 67 of the 2005 Act

In the section 142 guidance published by the Scottish Government in January 2023, general extensions of licensing hours is covered as follows:

“9.25 The licensed hours for occasional licences require to be set out in the application for the licence and incorporated into the licence if granted. Section 67 of the 2005 Act provides Licensing Boards with a power to grant general extensions to licensed hours in connection with special events of local or national significance. However, licensed premises are not obliged to remain open for the period of any such extension. Section 68 of the 2005 Act which makes provision for extended hours applications does not apply to occasional licences.”

The 2005 Act refers to a Licensing Board making a ‘determination’ to grant general extensions to licensed hours.

A determination can apply to –

- the whole of the Licensing Board's area or only to specified parts,
- licensed hours generally or only to specified descriptions of those hours, and
- all licensed premises in the Licensing Board's area or only to specified descriptions of such premises.

The Scottish Parliament approved these powers to be contained within the 2005 Act so that they were ready to be considered for use as needed for special events of local or national significance as they occur.

The Scottish Ministers would expect each Licensing Board to consider whether to extend hours.

The decision in each board area is a matter for the Licensing Board, but given the national significance of the Scotland team’s achievement, the Scottish Government would guide Licensing Boards to consider use of the powers in section 67 of the 2005 Act as a matter of course.

It should be noted that where an extension of hours is granted, such a determination does not require any licensed premises to be open for the sale of alcohol during any or all of the period of extension hours specified. The effect of granting an extension means that individual premises can make their own decision whether to remain

open, but that if they wish to do then they do not require to make their own individual request for extended hours.

This flexibility of approach would give greater freedom to licensed premises to make their own decision on opening while reducing the bureaucratic burden falling on business (by avoiding the need to apply for extended hours).

It is a matter for Licensing Boards to decide on how they further publicise the granting of a general extension of hours. At a minimum the Licensing Board may wish to post details on its website.

Licensing Boards are under a statutory duty to notify the chief constable and the appropriate licence holders to whom the determination applies.

Separate to notification once a determination has been made, we would guide Licensing Boards to consider what engagement they should undertake prior to making a decision on a determination.

Although section 67 of the 2005 Act does not require such engagement, it is considered appropriate to do with, as a suggested minimum, the chief constable given a general extension of hours in the early hours will have relevance for the operation of policing.

Conditions/ safeguards for licensed premises

Licensing Boards may wish to consider the extent to which later opening can be supported in meeting the licensing objectives by appropriate controls, and whether this is best addressed through a co-ordinated approach within a licensing board area or through premises-specific applications determined on their merits.

Issues that Licensing Boards may wish to consider before permitting a licensed premises to stay open later to show matches could include:

- The licensed premises where relevant, has appropriate permissions obtained to broadcast sports.
- Ticketed entry to support monitoring of maximum capacity.
- Last entry aligned with match kick off times.
- Sufficient SIA approved stewarding.
- Use of reusable plastic cups for the duration of the extended licence.
- No under 18's permitted on the premises out with their normal approved hours
- Continued adherence to existing external licensing conditions, for example, beer gardens.
- Premises to close no later than 30 minutes after the final whilst to allow appropriate dispersal.
- Any additional local considerations specific to problematic premises or relevant intelligence.
- Having regard to the availability of local public transport provision .

Section 27A of the 2005 Act allows Licensing Boards to make a variation of premises licence conditions where they are satisfied that it is necessary or expedient for the purposes of any of the licensing objectives. Such a variation may apply to all licensed premises, particular licensed premises, licensed premises within a particular area or of a particular description. Further detail about the publication and notification requirements can be found in paragraphs 8.64-8.65 of the 2023 guidance.

Licensing Boards may wish to consider whether any variation of licensed conditions is appropriate if granting an extension for these purposes. Examples of possible draft conditions/ safeguards that Licensing Boards may wish to consider for licensed premises showing matches are attached as an **Annex** to this guidance.

These draft conditions/ safeguards are provided to support a proportionate approach for later opening which focuses on possible key risks and how to mitigate them.

Extended hours applications – section 68 of the 2005 Act

Alternatively, section 68 of the 2005 Act provides a power for Licensing Boards, on the application of a premises licence holder, to grant extensions to licensed hours for the premises to cater for special events or occasions.

A premises licence holder may apply for extended hours authorising the premises to remain open later than the time specified in the premises licence.

Such applications are determined by a Licensing Board having regard to the licensing objectives and the Licensing Boards Policy and may be granted or refused. Where granted, the Licensing Board may vary the licence conditions as it considers necessary or expedient for the purposes of any of the licensing objectives,.

Annex

Draft Standard Conditions/ Safeguards for World Cup 2026 Matches

For Section 68 applications these draft conditions/ safeguards are provided to support a consistent and proportionate approach for later opening connected with the screening of FIFA World Cup 2026 matches. These are intended to be potential additional conditions which may be imposed and are not intended to replace the mandatory licence conditions or other existing conditions.

Children and Young Persons

Children and young persons under the age of 18 shall not be admitted to the premises/ venue during any period of later opening connected with World Cup matches.

Purpose and Scope

Later opening is authorised solely for the purpose of screening World Cup matches and associated customer management and dispersal.

The premises/ organiser shall ensure that the event is conducted in a manner consistent with the licensing objectives, including the prevention of crime and disorder, securing public safety, preventing public nuisance and protecting and improving public health.

Authorisation to Screen

For premises licence holders, the premises shall only operate later for match screening where the premises already has a relevant licence and is already authorised within its operating plan to provide televised sport/ television (or where an appropriate variation has been granted).

Management and Supervision

A designated manager/ event lead shall be on duty from 22.00 hours until close and shall be responsible for compliance with these conditions and for liaison with Police Scotland, the Licensing Standards Officer and licensing officers where required.

Prior to the commencement of each event night, staff shall be briefed on admission controls, capacity management, noise control and dispersal arrangements, and incident escalation procedures.

A personal licence holder shall be present on the premises from 22.00 hours until close.

The premises/ organiser shall ensure that sufficient staff are on duty to manage the premises/ venue safely, having regard to the expected attendance, capacity and terminal hour.

Capacity and Queue Management

The premises/ organiser shall ensure that the permitted capacity is not exceeded at any time and shall deploy sufficient staff to monitor and control occupancy throughout.

Where high attendance is anticipated, the premises/ organiser shall implement controlled admission and queue management measures to prevent obstruction, disorder and nuisance at the frontage.

The premises/ organiser shall ensure that any temporary arrangements associated with the screening (including seating, barriers and queuing systems) do not compromise safe means of escape.

The premises/ organiser shall ensure that patrons waiting to gain entry are managed so as to avoid public nuisance, disorder or obstruction, including at the frontage and in any nearby public areas.

No alcohol shall be sold or supplied for consumption off the premises during any period of later opening connected with matches.

The premises/ organiser shall operate a refusals policy and shall record refusals of alcohol and any incidents arising.

Safety, Security and Welfare

Door supervision shall be provided from 23.00 hours until close where required by risk assessment having regard to the nature, location and capacity of the premises/ venue, anticipated attendance and the terminal hour sought, and shall be increased where Police Scotland advise that such measures are necessary to support the licensing objectives.

A person trained in first aid shall be present on the premises/at the event from 23.00 hours until close.

An incident/ refusals record shall be maintained for each event night and shall be produced to Police Scotland and/ or Licensing Standards Officers (Isos) on request.

The premises/ organiser shall operate a zero-tolerance approach to drugs and weapons, with staff instructed to contact Police Scotland where appropriate.

The premises/ organiser shall take reasonable steps to prevent the consumption or possession of illegal drugs on the premises/ at the event and shall co-operate with Police Scotland in any enforcement action.

Noise Control and Prevention of Public Nuisance

Doors and windows shall be managed to minimise noise breakout after 22.00 hours, particularly during/ after the match and during dispersal.

Any external smoking/ vaping area shall be supervised and managed to prevent nuisance, disorder and obstruction.

External areas (including smoking/ vaping areas) shall be actively monitored and managed to prevent nuisance and disorder. Patrons shall not be permitted to congregate out with the premises in a manner likely to cause nuisance.

No amplified music or commentary shall be played in any external area during the period of later opening.

The premises/ organiser shall ensure that any noise-generating activities associated with the screening (including chanting or announcements) are managed so as to minimise disturbance to nearby residents.

Dispersal

A written safety dispersal plan shall be in place for each event night where later opening is authorised. The plan shall cover staffing at exits at closing, management of external areas and frontage, and steps to minimise noise and disorder in the vicinity. More generally, wider consideration of local transport plans and availability of public transport service provision should also be considered.

The premises/ organiser shall actively manage dispersal at the end of the event/ closing time by deploying staff (and door staff where engaged) at exits and the immediate frontage to encourage prompt and quiet departure and to prevent patrons lingering.

Clear closing/ dispersal announcements shall be made in advance of closing to support orderly winding-down and departure.



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