

Changes to legislation: Licensing (Scotland) Act 2005, SCHEDULE 6 is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 6

(introduced by section 144)

MODIFICATION OF ENACTMENTS

Children and Young Persons Act 1963 (c. 37)

- 1 In section 37(2)(b)(ii) (restriction on persons under 16 taking part in public performances within licensed premises) of the Children and Young Persons Act 1963, for “1976) or in respect of which a club is registered under that Act” substitute “ 2005 (asp 16) ”.

Commencement Information

- I1** Sch. 6 para. 1 in force at 1.9.2009 at 5.00 a.m. by S.S.I. 2007/472, art. 3

Countryside (Scotland) Act 1967 (c. 86)

- 2 In section 78(1) (interpretation) of the Countryside (Scotland) Act 1967, in the definition of “refreshments”, for “alcoholic liquor within the meaning of the Licensing (Scotland) Act 1976” substitute “ alcohol within the meaning of section 2 of the Licensing (Scotland) Act 2005 (asp 16) ”.

Commencement Information

- I2** Sch. 6 para. 2 in force at 1.9.2009 at 5.00 a.m. by S.S.I. 2007/472, art. 3

New Towns (Scotland) Act 1968 (c. 16)

- 3 (1) The New Towns (Scotland) Act 1968 is amended as follows.
- (2) In section 18(2) (disposal of land by development corporations), in the proviso, for “alcoholic liquor” substitute “ alcohol ”.
- (3) In section 47(1) (interpretation), for the definition of “alcoholic liquor”, substitute the following definition—
- ““alcohol” has the meaning given by section 2 of the Licensing (Scotland) Act 2005 (asp 16);”.

Commencement Information

- I3** Sch. 6 para. 3 in force at 1.9.2009 at 5.00 a.m. by S.S.I. 2007/472, art. 3

Water (Scotland) Act 1980 (c. 45)

- 4 In section 50(1)(b) (power to require supply by meter to certain premises) of the Water (Scotland) Act 1980, for “1976” substitute “ 2005 (asp 16) ”.

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Commencement Information

I4 Sch. 6 para. 4 in force at 1.9.2009 at 5.00 a.m. by S.S.I. 2007/472, art. 3

Local Government, Planning and Land Act 1980 (c. 65)

5 In section 146 (disposal of land by urban development corporation) of the Local Government, Planning and Land Act 1980, for subsection (6) substitute—

“(6) In this section, “alcohol” has the meaning given by section 2 of the Licensing (Scotland) Act 2005 (asp 16).”.

Commencement Information

I5 Sch. 6 para. 5 in force at 1.9.2009 at 5.00 a.m. by S.S.I. 2007/472, art. 3

Civic Government (Scotland) Act 1982 (c. 45)

6 (1) The Civic Government (Scotland) Act 1982 is amended as follows.

(2) In section 41(2)(f) (exclusion of licensed premises from definition of place of public entertainment)—

- (a) for “1976” substitute “ 2005 (asp 16) ”, and
- (b) for “the permitted” substitute “ licensed ”.

(3) In section 42(4)(a) (late hours catering licence not required in respect of licensed premises), for “1976” substitute “ 2005 (asp 16) ”.

Commencement Information

I6 Sch. 6 para. 6 in force at 1.9.2009 at 5.00 a.m. by S.S.I. 2007/472, art. 3

Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39)

7 (1) The Criminal Law (Consolidation) (Scotland) Act 1995 is amended as follows.

(2) In section 22 (presumption as to contents of container), for “Section 127 of the Licensing (Scotland) Act 1976 (presumption as to contents of container)” substitute “Section 140 of the Licensing (Scotland) Act 2005 (asp 16) (presumption as to liquid contents of containers)”.

(3) In section 23 (interpretation of Part II), for the definition of “alcohol”, substitute the following definition—

““alcohol” has the meaning given in section 2 of the Licensing (Scotland) Act 2005 (asp 16);”.

Commencement Information

I7 Sch. 6 para. 7 in force at 1.9.2009 at 5.00 a.m. by S.S.I. 2007/472, art. 3

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Crime and Punishment (Scotland) Act 1997 (c. 48)

- 8 (1) Section 61 (confiscation of alcohol from persons under 18) of the Crime and Punishment (Scotland) Act 1997 is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (b), for “alcoholic liquor, within the meaning of the Licensing (Scotland) Act 1976” substitute “alcohol”, and
 - (b) for “that liquor” substitute “the alcohol”.
- (3) In subsection (2), for—
- (a) “alcoholic liquor”, and
 - (b) “liquor” in each place where that word appears, substitute “alcohol”.
- (4) In subsection (6), for “1976” substitute “2005 (asp 16)”.
- (5) After subsection (6) insert—
- “(7) In this section, “alcohol” has the meaning given in section 2 of the Licensing (Scotland) Act 2005 (asp 16).”.

Commencement Information

18 Sch. 6 para. 8 in force at 1.9.2009 at 5.00 a.m. by S.S.I. 2007/472, art. 3

Scottish Public Services Ombudsman Act 2002 (asp 11)

- 9 In paragraph 10 of Part 1 of schedule 2 (authorities not amendable by Order in Council) to the Scottish Public Services Ombudsman Act 2002, for “within the meaning of the Licensing (Scotland) Act 1976 (c. 66)” substitute “continued in existence by or established under section 5 of the Licensing (Scotland) Act 2005 (asp 16)”.

Commencement Information

19 Sch. 6 para. 9 in force at 1.5.2007 by S.S.I. 2007/129, art. 3, Sch.

Freedom of Information (Scotland) Act 2002 (asp 13)

- 10 In paragraph 23 of Part 3 of schedule 1 (local government) to the Freedom of Information (Scotland) Act 2002, for “constituted in accordance with the provisions of section 1 of the Licensing (Scotland) Act 1976 (c. 66)” substitute “continued in existence by or established under section 5 of the Licensing (Scotland) Act 2005 (asp 16)”.

Commencement Information

110 Sch. 6 para. 10 in force at 1.5.2007 by S.S.I. 2007/129, art. 3, Sch.

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Changes and effects yet to be applied to :

- specified provision(s) Appointed Day(s) by [S.S.I. 2006/239 art. 2](#) (This S.S.I. is revoked on 25.5.2006 by S.S.I. 2006/286, art. 6)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 33(1)(1A) substituted for s. 33(1)-(3) by [2015 asp 10 s. 49\(2\)\(a\)](#)
- s. 33(8)(za) inserted by [2015 asp 10 s. 49\(2\)\(c\)](#)
- s. 33(8A) inserted by [2015 asp 10 s. 49\(2\)\(d\)](#)
- s. 33A inserted by [2015 asp 10 s. 49\(4\)](#)
- s. 134ZA-134ZC inserted by [2015 asp 10 s. 61\(2\)](#)