

## SCHEDULE 1

### PART 1

#### Amendment of Public General Acts

##### *The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951*

1.—(1) The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951<sup>(1)</sup>, is amended in accordance with this paragraph.

(2) In subsection (2)(a) of section 14<sup>(2)</sup> (period of residence protection) for “in” where it first occurs to the end of paragraph (a) substitute “which, by virtue of a premises licence issued under the Licensing (Scotland) Act 2005, are licensed for the sale of alcohol (within the meaning of section 2 of that Act) for consumption on the premises”.

(3) In subsection (3)(a) of section 18<sup>(3)</sup> (protection of tenure) for “in” where it second occurs to “thereon” substitute “which, by virtue of a premises licence issued under the Licensing (Scotland) Act 2005, are licensed for the sale of alcohol (within the meaning of section 2 of that Act) for consumption on the premises”.

(4) In subsection (6)(a)(ii) of section 38 (application by service man for renewal of tenancy of business premises) for “licensed for the sale of excisable liquor” substitute “which, by virtue of a premises licence granted under the Licensing (Scotland) Act 2005, are licensed for the sale of alcohol (within the meaning of section 2 of that Act)”.

##### *The Race Relations Act 1976*

2. In the Race Relations Act 1976<sup>(4)</sup>, in Schedule 1A (bodies and other persons subject to general statutory duty)<sup>(5)</sup> for paragraph 26 substitute—

“**26.** A licensing board continued in existence by or established under section 5 of the Licensing (Scotland) Act 2005.”.

##### *The Local Government and Planning (Scotland) Act 1982*

3. In the Local Government and Planning (Scotland) Act 1982<sup>(6)</sup> in subsection (1)(a)(iii) of section 27 (islands or district council’s functions in relation to the provision of a market) for “alcoholic liquor” substitute “alcohol, within the meaning given by section 2 of the Licensing (Scotland) Act 2005”.

##### *The Rent (Scotland) Act 1984*

4. In the Rent (Scotland) Act 1984<sup>(7)</sup> in subsection (1) of section 10 (premises with business use), for “licensed for the sale of excisable liquor for consumption on the premises” substitute “which, by virtue of a premises licence issued under the Licensing (Scotland) Act 2005, are licensed for the sale of alcohol (within the meaning of section 2 of that Act) for consumption on the premises”.

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(1) 1951 c.65.

(2) Section 14(2) was amended by paragraph 22 of Schedule 6 to the Licensing Act 2003 (c.17).

(3) Section 18 was amended by paragraph 23 of Schedule 6 to the Licensing Act 2003 (c.17).

(4) 1976 c.74.

(5) Schedule 1A was inserted by section 2(2) of, and Schedule 1 to, the Race Relations (Amendment) Act 2000 (c.34).

(6) 1982 c.43.

(7) 1984 c.58.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

*The Criminal Law (Consolidation) (Scotland) Act 1995*

5.—(1) The Criminal Law (Consolidation) (Scotland) Act 1995<sup>(8)</sup>, is amended in accordance with this paragraph.

(2) In subsection (1) of section 19 (alcohol on vehicles) for “railway passenger vehicle” substitute “railway vehicle”.

(3) In section 23—

(a) for the definition of “alcohol” substitute ““alcohol” has the meaning given by section 2 of the Licensing (Scotland) Act 2005;”;

(b) for the definition of “railway passenger vehicle” substitute—

““railway vehicle” means a railway vehicle within the meaning of section 83 of the Railways Act 1993 (c.43) that is used in the provision of a railway service within the meaning of section 82 of that Act (excluding the wider meaning of “railway” given by section 81(2) of that Act);”.

*The Criminal Procedure (Scotland) Act 1995*

6. In the Criminal Procedure (Scotland) Act 1995<sup>(9)</sup> in Schedule 9 (certificates as to proof of certain routine matters) at the end insert—

<p>“The Licensing (Scotland) Act 2005 (asp 16).</p>	<p>A person authorised to do so by the Scottish Ministers.</p>	<p>In relation to a person identified in the certificate, that on a date specified in that certificate that person held, or as the case may be did not hold, a licence issued under that Act.</p> <p>In relation to a premises licence or occasional licence issued under that Act and held by a person identified in the certificate, the conditions to which that licence is subject.”</p>
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*The Employment Rights Act 1996*

7. In the Employment Rights Act 1996<sup>(10)</sup>, in subsection (7) of section 232 (shop workers)<sup>(11)</sup>—

(a) in sub-paragraph (a) omit “(in Scotland, alcoholic liquor)”;

(b) for “and “alcoholic liquor” has the same meaning as in the Licensing (Scotland) Act 1976” substitute “except that in Scotland “alcohol” has the meaning given in section 2 of the Licensing (Scotland) Act 2005”.

<sup>(8)</sup> 1995 c.39.

<sup>(9)</sup> 1995 c.46.

<sup>(10)</sup> 1996 c.18.

<sup>(11)</sup> Section 232(7) was amended by section 1 of the Sunday Working (Scotland) Act 2003 (c.18) and by Schedule 6 to the Licensing Act 2003 (c.17).

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*The Private Security Industry Act 2001*

**8.**—(1) In the Private Security Industry Act 2001(**12**), paragraph 8 of Schedule 2 (activities subject to additional controls)(**13**) is amended in accordance with this paragraph.

(2) For sub-paragraph (1BA) substitute—

“(1BA) This paragraph applies to activities carried out in relation to premises referred to in sub-paragraph (2)(f) only if they are carried out at or in relation to times when alcohol (within the meaning given by section 2 of the Licensing (Scotland) Act 2005) is being sold or supplied (in terms of section 3 of the Licensing (Scotland) Act 2005) for consumption on the premises.”.

(3) For sub-paragraph (2)(f) substitute—

“(f) any premises within the meaning given to “licensed premises” in section 147(1) of the Licensing (Scotland) Act 2005;”.

(4) In sub-paragraph (3)—

(a) at the end of paragraph (cb) omit “or”;

(b) after paragraph (cb) insert—

“(cc) if the premises are premises to which section 125(1) of the Licensing (Scotland) Act 2005 applies; or”.

*The Housing (Scotland) Act 2001*

**9.** In the Housing (Scotland) Act 2001(**14**) in paragraph 8 of schedule 1 (tenancies which are not Scottish Secure Tenancies) for “excisable liquor” substitute “alcohol (within the meaning of section 2 of the Licensing (Scotland) Act 2005)”.

*The Antisocial Behaviour etc. (Scotland) Act 2004*

**10.** In the Antisocial Behaviour etc. (Scotland) Act 2004(**15**), in section 128 (fixed penalty offences) in Part 1 of the Table for the first two entries substitute—

<i>“Enactment</i>	<i>Description of offence</i>
Section 115 of the Licensing (Scotland) Act 2005 (asp 16)	Disorderly conduct while drunk in licensed premises and other relevant premises
Section 116 of the Licensing (Scotland) Act 2005 (asp 16)	Refusing to leave licensed and other relevant premises on being requested to do so”

*The Breastfeeding etc. (Scotland) Act 2005*

**11.** In the Breastfeeding etc. (Scotland) Act 2005(**16**), in section 1(4) (Offence of preventing or stopping a child from being fed milk) for paragraph (b) of the definition of “licensed premises” substitute—

“(b) the Licensing (Scotland) Act 2005 (asp 16);”.

(12) 2001 c.12.

(13) Paragraph 8 was amended by paragraph 14(d) of Schedule 15 to the Serious Organised Crime and Police Act 2005 (c.15), S.I. 2006/1831 and S.I. 2007/2201.

(14) 2001 asp 10.

(15) 2004 asp 8.

(16) 2005 asp 1.

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*The Gambling Act 2005*

12.—(1) The Gambling Act 2005(17) is amended in accordance with this paragraph.

(2) In subsection (1)(c) of section 2 (licensing authorities) for “constituted under 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)”.

(3) In subsection (6)(c) of section 25 (guidance to local authorities) for “constituted under 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)”.

(4) In section 155 (delegation of functions under Part 8: Scotland)—

(a) for subsection (1) substitute—

“(1) Subject to subsection (2), a licensing authority in Scotland may arrange for the discharge of any of its functions under this Part by—

- (a) any member of the authority,
- (b) any committee established by the authority,
- (c) the clerk of the authority, or
- (d) any member of staff provided under paragraph 8(1)(b) of schedule 1 to the Licensing (Scotland) Act 2005 (asp 16).”;

(b) in subsection (2)(b) for “person appointed to assist the clerk” substitute “member of staff provided under paragraph 8(1)(b) of schedule 1 to the Licensing (Scotland) Act 2005”;

(c) in subsection (3) for “1976” substitute “2005”.

(5) In section 233 (delegation of functions under Part 9: Scotland)—

(a) for subsection (1) substitute—

“(1) Subject to subsection (2), a licensing authority in Scotland may arrange for the discharge of any of its functions under this Part by—

- (a) any member of the authority,
- (b) any committee established by the authority,
- (c) the clerk of the authority, or
- (d) any member of staff provided under paragraph 8(1)(b) of schedule 1 to the Licensing (Scotland) Act 2005 (asp 16).”;

(b) in subsection (2) for “person appointed to assist the clerk” substitute “member of staff provided under paragraph 8(1)(b) of schedule 1 to the Licensing (Scotland) Act 2005”;

(c) in subsection (3) for “1976” substitute “2005”.

(6) For subsection (c) of section 277 (alcohol licence) substitute—

“(c) “relevant Scottish licence” means a premises licence issued under the Licensing (Scotland) Act 2005, except where such a licence only applies to the sale of alcohol for consumption off the premises.”.

(7) in section 285 (permits)—

(a) in subsection (1)(a)—

- (i) omit “a certificate of registration under section 105 of the Licensing (Scotland) Act 1976 (certificate of registration in respect of a club) or”;

- (ii) after “licence” insert “and the premises are premises to which section 125(1) of the Licensing (Scotland) Act 2005 applies”;
  - (b) in subsection (1)(b) after “licence” insert “and the premises are premises to which section 125(1) of the Licensing (Scotland) Act 2005 does not apply”.
- (8) In paragraph 41(c) of Schedule 11 (exempt lotteries) for “constituted under 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)”.