

2007 No. 128

LICENSING (LIQUOR)

**The Licensing (Appointed Day and Transitional Provisions)
(Scotland) Order 2007**

Made - - - - - *27th February 2007*

Laid before the Scottish Parliament *1st March 2007*

Coming into force - - - *1st May 2007*

The Scottish Ministers, in exercise of the powers conferred by sections 6(7)(a), 145 and 146(2)(b) of the Licensing (Scotland) Act 2005(a) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Licensing (Appointed Day and Transitional Provisions) (Scotland) Order 2007 and shall come into force on 1st May 2007.

(2) In this Order—

“the Act” means the Licensing (Scotland) Act 2005;

“the 1976 Act” means the Licensing (Scotland) Act 1976(b).

Statements of licensing policy – appointed day

2. 30th November 2007 is appointed as the day for the beginning of the period of 3 years referred to in section 6(7)(a) of the Act.

Licensing Boards

3.—(1) Following the election of members to a Licensing Board under paragraph 2 of schedule 1 to the Act, the Board so constituted is to be responsible for discharging as regards its area the functions of a licensing board under the 1976 Act as well as the functions assigned to it under the Act.

(2) So far as may be necessary for the purposes of paragraph (1), any reference in the 1976 Act to a licensing board is to be read as if it were a reference to a Licensing Board constituted as described in that paragraph.

Licensing Board proceedings

4. The prohibition in paragraph 11(3) of schedule 1 to the Act is not to apply to proceedings of a Licensing Board under any enactment other than the Act.

(a) 2005 asp 16.
(b) 1976 c.66.

Local Licensing Forums

5.—(1) The requirement in paragraph 2(3) of schedule 2 to the Act for at least one of the members of each Local Licensing Forum to be a Licensing Standards Officer is not to apply until 1st September 2009.

(2) The requirement in paragraph 5(1) of schedule 2 to the Act for each Local Licensing Forum to hold at least 4 meetings in each calendar year is not to apply in respect of 2007.

Test purchasing of alcohol

6. The restriction in article 4 of the Licensing (Scotland) Act 2005 (Commencement No. 2 and Transitional Provisions) Order 2006(a) (under which only the chief constable of the Fife police force may authorise a child or young person for the purposes referred to in section 105(2) of the Act) is to cease to have effect.

GEORGE LYON

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
27th February 2007

(a) S.S.I. 2006/286.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order sets 30th November 2007 as the date by which each Licensing Board is to publish its licensing policy statement in respect of the 3-year period running from that date.

The remaining articles of this Order make provision as to transitional matters in connection with implementation of the Licensing (Scotland) Act 2005 (“the Act”). Articles 3 and 4 make the Licensing Boards established under the Act responsible for continuing to carry out functions under the Licensing (Scotland) Act 1976 and allow members of such a Board to take part in proceedings under that 1976 Act prior to receiving training prescribed for the purposes of the Act. Article 5 makes transitional provision in connection with the establishment of Local Licensing Forums. Article 6 removes the restriction under which only the chief constable of the Fife police force can grant authorisations under section 105 of the Act for a person under 18 to make a test purchase of alcohol.

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£3.00

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