

2012 No. 304

CRIMINAL LAW

**The Criminal Justice and Licensing (Scotland) Act 2010
(Incidental Provisions) Order 2012**

Made - - - - *8th November 2012*

Coming into force - - *9th November 2012*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 204 of the Criminal Justice and Licensing (Scotland) Act 2010(a).

In accordance with section 201(4) of that Act, a draft of this Order has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Criminal Justice and Licensing (Scotland) Act 2010 (Incidental Provisions) Order 2012 and comes into force on the day after the day on which it is made.

(2) In this Order—

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

“the Act” means the Criminal Justice and Licensing (Scotland) Act 2010.

Amendment of section 179 of the Act

2. In section 179(3) of the Act, for subsection (7) (which is inserted into section 20 of the 2005 Act) substitute—

“(7) In subsection (6), “disabled person” is to be interpreted in accordance with section 6 of the Equality Act 2010 (c.15).”

KENNY MACASKILL
A member of the Scottish Government

St Andrew’s House,
Edinburgh
8th November 2012

(a) 2010 asp 13.
(b) 2005 asp 16.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 179 of the Criminal Justice and Licensing (Scotland) Act 2010 (“the Act”) amends section 20 of the Licensing (Scotland) Act 2005 to provide for a statement of disabled access and facilities to be included in applications for a premises licence. Section 179 of the Act inserts a definition of “disabled person” into section 20 of the 2005 Act which makes reference to section 1 of the Disability Discrimination Act 1995 (“the 1995 Act”). The 1995 Act has since been repealed by the Equality Act 2010. This Order makes an incidental amendment to section 179 of the Act so that the definition of “disabled person” now refers to section 6 of the Equality Act 2010.

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