
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 119 (C. 9)

LICENSING (LIQUOR)

**The Air Weapons and Licensing (Scotland) Act 2015
(Commencement No. 6 and Saving Provisions) Order 2017**

<i>Made</i>	- - - -	<i>18th April 2017</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>20th April 2017</i>
<i>Coming into force</i>	- -	<i>15th May 2017</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 88(2) and (3) of the Air Weapons and Licensing (Scotland) Act 2015⁽¹⁾.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Air Weapons and Licensing (Scotland) Act 2015 (Commencement No. 6 and Saving Provisions) Order 2017 and comes into force on 15th May 2017.

(2) In this Order—

“the 2015 Act” means the Air Weapons and Licensing (Scotland) Act 2015; and

“Licensing Board” means a Board continued in existence by or established under section 5 of the 2005 Act.

Appointed day

2.—(1) 15th May 2017 is the day appointed for the coming into force of the provisions of the 2015 Act specified in column 1 of the table in the schedule (the subject matter of which is described in column 2 of that table).

(2) Where a purpose is specified in column 3 of that table in relation to any provision specified in column 1, that provision comes into force on 15th May 2017 for that purpose only.

Saving provisions: section 43, 44, 45, 46, 47 and 48 of the 2015 Act

3.—(1) Despite the commencement of sections 43, 44, 45, 46, 47 and 48 of the 2015 Act, the amendments made by those sections have no effect in relation to—

(a) an application for a premises licence received by a Licensing Board before 15th May 2017;

- (b) an application for the transfer of a premises licence received by a Licensing Board before 15th May 2017;
- (c) a premises licence review application received by a Licensing Board before 15th May 2017;
- (d) a premises licence review proposal initiated by a Licensing Board before 15th May 2017;
- (e) an application for a personal licence received by a Licensing Board before 15th May 2017;
- (f) an application for a renewal of a personal licence received by a Licensing Board before 15th May 2017; and
- (g) a hearing under sections 83 or 84 of the 2005 Act where the date of the hearing has been scheduled before 15th May 2017.

(2) In this article—

“premises licence review application” has the same meaning given in section 36 of the 2005 Act;

“premises licence review proposal” has the same meaning given in section 37 of the 2005 Act.

4.—(1) Where a Licensing Board makes a relevant decision prior to 15th May 2017, the amendments made by section 43, 44, 45, 46, 47 and 48 of the 2015 Act have no effect in relation to an appeal against that decision under section 131 of, and schedule 5 to, the 2005 Act.

(2) In this article a “relevant decision” is a decision to—

- (a) refuse a premises licence application;
- (b) refuse an application for the transfer of a premises licence;
- (c) revoke a premises licence upon review;
- (d) refuse a personal licence application; and
- (e) revoke a personal licence under sections 83 or 84 of the 2005 Act.

Saving provision: section 50 and 51 of the 2015 Act

5. Despite the commencement of section 50 and 51 of the 2015 Act, the amendments made by those sections to the 2005 Act have no effect in relation to a notice received by the Licensing Board from the chief constable, under section 44 or section 83 of the 2005 Act, prior to 15th May 2017.

St Andrew’s House,
Edinburgh
18th April 2017

MICHAEL MATHESON
A member of the Scottish Government

SCHEDULE

Article 2

PROVISIONS OF THE 2015 ACT WHICH COME INTO FORCE ON 15TH MAY 2017

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Provisions of the 2015 Act</i>	<i>Subject matter</i>	<i>Purpose</i>
Section 41	Licensing objectives: protecting young persons from harm	
Section 43, 44, 45, 46, 47 and 48	Fit and proper person test	
Section 50 and 51	Relevant offences and foreign offences	
Section 53	Offence of supplying alcohol to a child or young person	
Section 54	Meaning of "alcohol": inclusion of angostura bitters	
Section 56	Duties of Licensing Boards to produce annual reports	For the purposes of inserting section 9B into the 2005 Act and amending s.146 of the 2005 Act
Section 57	Licensing Standards Officers; general function in relation to personal licences	
Section 58	Powers of Licensing Standards Officers	
Section 60	Personal licences: grant, duration and renewal	For all remaining purposes
Section 62	Forms etc. of communications under the 2005 Act	
Section 87	Minor and consequential amendments and repeals	For the purposes of giving effect to Part 2 of schedule 2
Part 2 of schedule 2, paragraph 4(1), (3), (5) and (7)	Amendments relating to Part 2	

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force the following provisions of the Air Weapons and Licensing (Scotland) Act 2015 (“the Act”): sections 41, 43-48, 50, 51, 53, 54, 56 (for limited purposes), 57, 58, 60 (for all remaining purposes), 62, 87 (for limited purposes) and Part 2 of schedule 2, paragraph 4(1), (3), (5) and (7). The provisions are brought into force on 15th May 2017 (article 2).

Articles 3 and 5 contain savings provisions.

Article 3 of the Order makes a saving provision that has the effect that, despite the commencement of sections 43 to 48 of the 2015 Act, the amendments therein shall not apply to the consideration of certain applications or hearings received, initiated or scheduled prior to 15th May 2017.

This includes an application for a premises licence (under section 20 of the 2005 Act); an application for the transfer of a premises licence (under section 33 or 34 of the 2005 Act); a premises licence review application (under section 36 of the 2005 Act); a premises licence review proposal initiated by a Licensing Board (under section 37 of the 2005 Act); an application for a personal licence (under section 72 of the 2005 Act); and an application for a renewal of a personal licence (under section 78 of the 2005 Act). Finally, this article provides that a hearing under sections 83 or 84 of the 2005 Act is unaffected where the date of the hearing has been scheduled before 15th May 2017.

Article 4 of the Order makes a saving provision that has the effect that despite the commencement of sections 43 to 48 of the 2015 Act, the amendments therein shall not apply to the consideration of certain appeals to decisions made by Licensing Boards, where those decisions were made prior to 15th May 2017.

This includes a decision to refuse a premises licence application (under section 23 of the 2005 Act); a decision to refuse an application for the transfer of a premises licence (under section 33 of the 2005 Act); a decision to revoke a premises licence upon review (under section 39 of the 2005 Act); a decision to refuse a personal licence application (under section 74 of the 2005 Act); and a decision to revoke a personal licence (under section 83 or 84 of the 2005 Act).

Article 5 of the Order makes a saving provision that has the effect that despite the commencement of sections 50 and 51 of the 2015 Act, the amendments therein shall not apply where the Licensing Board has received a notice from the chief constable in relation to a premises or personal licence, prior to 15th May 2017.

The Bill for the Act received Royal Assent on 4th August 2015. Sections 60(1) and (2), 84, 85, 86, 88 and 89 of the Act came into force on the following day.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the 2015 Act have been, or are due to be, brought into force by commencement orders made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 1	1st December 2015	2015/382
Section 2 (partially)	1st December 2015	2015/382

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 2 in so far as not already in force	31st December 2016	2016/130
Sections 3–5	1st July 2016	2016/130
Section 6 (1) to (3)	1st July 2016	2016/130
Section 6 in so far as not already in force	31st December 2016	2016/130
Sections 7, 8(1), 9(1) and (2), 10 and 11(1) to (4) and (7)	1st July 2016	2016/130
Sections 8, 9 and 11 in so far as not already in force	31st December 2016	2016/130
Sections 12, 13, 14, 15(1) to (3), 16(1) to (5) and (8) and 17(1), (2), (6) and (7)	1st July 2016	2016/130
Sections 15, 16 and 17 in so far as not already in force	31st December 2016	2016/130
Sections 18-22	1st July 2016	2016/130
Sections 23-27	31st December 2016	2016/130
Section 28	1st July 2016	2016/130
Sections 29 and 30	31st December 2016	2016/130
Sections 31(1) and (3)	1st July 2016	2016/130
Section 31 in so far as not already in force	31st December 2016	2016/130
Sections 32, 33 and 34 (other than subsection(2)(n))	1st July 2016	2016/130
Section 34 in so far as not already in force	31st December 2016	2016/130
Section 35(1), (2), and (4)	1st December 2015	2015/382
Section 35(3)	1st July 2016	2016/130
Section 36	1st December 2015	2015/382
Section 37	1st July 2016	2016/130
Section 38	31st December 2016	2016/130
Section 39(1)	1st July 2016	2016/130
Section 39(2) and (3)	1st December 2015	2015/382
Section 40	1st December 2015	2015/382
Section 42	30th September 2016	2016/132
Section 55	30th September 2016	2016/132
Section 56 (partially)	1st December 2015	2015/382
Section 63	1st May 2017	2016/307
Section 64	1st November 2016	2016/307
Section 65(1), (2), (4) and (5)	1st December 2015	2015/382
Sections 66-69	1st September 2016	2016/85

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 70(1) and (3) (partially)	1st December 2015	2015/382
Section 71	1st November 2016	2016/307
Section 70 in so far as not already in force	1st September 2016	2016/85
Section 72 (partially)	16th March 2016	2016/85
Section 72 in so far as not already in force	1st September 2016	2016/85
Section 73	1st December 2015	2015/382
Section 75	1st November 2016	2016/307
Section 76(1) and (3) (partially)	1st December 2015	2015/382
Section 77	1st May 2017	2016/307
Section 78	1st November 2016	2016/307
Section 79	1st December 2015	2015/382
Section 80(1) and (2) (partially)	1st December 2015	2015/382
Section 80 for all other purposes	1st November 2016	2016/307
Section 81	1st November 2016	2016/307
Section 82	1st May 2017	2016/307
Section 83	1st November 2016	2016/307
Section 87 (partially)	31st December 2016	2016/130
Schedule 1	31st December 2016	2016/130
Schedule 2 part 1	31st December 2016	2016/130