

SCOTTISH STATUTORY INSTRUMENTS

2019 No. 6

**EXITING THE EUROPEAN UNION
CRIMINAL LAW
LICENSES AND LICENSING**

**The Licensing (Amendment) (EU
Exit) (Scotland) Regulations 2019**

*Made - - - - 15th January 2019
Laid before the Scottish
Parliament - - - - 17th January 2019
Coming into force in accordance with regulation 1*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by paragraphs 1(1) and (3) of schedule 2, and paragraph 21(b) of schedule 7, of the European Union (Withdrawal) Act 2018^{MI} and all other powers enabling them to do so.

Marginal Citations

MI [2018 c.16.](#)

PART 1

Preliminary

Citation and commencement

1. These Regulations may be cited as the Licensing (Amendment) (EU Exit) (Scotland) Regulations 2019 and come into force on exit day.

Commencement Information

II Reg. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

PART 2

Amendment of primary legislation

Amendment of the Civic Government (Scotland) Act 1982

2.—(1) Schedule 2 (control of sex shops) of the Civic Government (Scotland) Act 1982 ^{M2} is amended as follows.

(2) In paragraph 9(3), in both sub-paragraphs (e) and (f), for “a member state of the European Union” substitute “the United Kingdom”.

Commencement Information

I2 Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Marginal Citations

M2 [1982 c.45](#); paragraph 9(3) of schedule 2 was relevantly amended by the [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [section 178\(3\)\(e\)](#).

Amendment of the Crossbows Act 1987

3.—(1) The Crossbows Act 1987 ^{M3} is amended as follows.

(2) In section 1A (defences), in subsection (3), after paragraph (a) insert—
“(aa) a UK driving licence,”.

Commencement Information

I3 Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Marginal Citations

M3 [1987 c.32](#); section 1A was inserted by the [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [section 35\(3\)](#).

Amendment of the Criminal Justice Act 1988

4.—(1) The Criminal Justice Act 1988 ^{M4} is amended as follows.

(2) In section 141A (sale of knives and certain articles with blade or point to persons under eighteen), in subsection (4B), after paragraph (a) insert—

“(aa) a UK driving licence,”.

Commencement Information

I4 Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Marginal Citations

M4 1988 c.33; section 141A was substituted by the [Police, Public Order and Criminal Justice Act 2006](#) (asp 10), [section 75\(5\)](#) and amended by the [Criminal Justice \(Scotland\) Act 2010](#) (asp 13), [section 36\(4\)](#).

Amendment of the Licensing (Scotland) Act 2005

5.—(1) The Licensing (Scotland) Act 2005 ^{M5} is amended as follows.

(2) In section 102 (sale of alcohol to a child or young person), in subsection (4), after paragraph (a) insert—

“(aa) a UK driving licence,”.

(3) In section 108 (delivery of alcohol by or to a child or young person), in subsection (7), after paragraph (a) insert—

“(aa) a UK driving licence,”.

Commencement Information

I5 Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Marginal Citations

M5 [2005 asp 16](#).

PART 3

Amendment of subordinate legislation

Amendment of the Sale of Alcohol to Children and Young Persons (Scotland) Regulations 2007

6.—(1) The Sale of Alcohol to Children and Young Persons (Scotland) Regulations 2007 ^{M6} are amended as follows.

(2) In regulation 2(2)(c), omit “(other than the United Kingdom)”.

Commencement Information

I6 Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Marginal Citations

M6 [S.S.I. 2007/93](#), as relevantly amended by [S.S.I. 2013/199](#).

PART 4

Saving provision

Saving provision

7. The amendments made by regulation 2 do not apply in respect of an application for the grant or renewal of a licence under paragraph 6 of schedule 2 of the Civic Government (Scotland) Act 1982 received by the local authority before [^{F1}IP completion day].

Textual Amendments

F1 Words in reg. 7 substituted (31.12.2020 immediately before IP completion day) by [The Criminal Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/339\)](#), regs. 1(2), **20(2)**

Commencement Information

I7 Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

St Andrew's House,
Edinburgh

ASH DENHAM
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in paragraphs 1(1) and (3) of schedule 2, and paragraph 21(b) of schedule 7, of the European Union (Withdrawal) Act 2018 in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), 8(2)(d) and 8(3)(a) of that Act) arising from the withdrawal of the UK from the European Union.

These Regulations make amendments to legislation relating to licensing. Part 2 amends primary legislation and Part 3 amends subordinate legislation. Part 4 provides that amendments made by regulation 2 do not apply to matters arising before exit day.

An impact assessment has not been produced for this instrument as it has no or minimal impact on business, charities or voluntary bodies.

Changes to legislation:

There are currently no known outstanding effects for the The Licensing (Amendment) (EU Exit) (Scotland) Regulations 2019.