
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 354

**The Criminal Justice and Licensing (Scotland)
Act 2010 (Commencement No. 9, Transitional
and Savings Provisions) Order 2011**

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Criminal Justice and Licensing (Scotland) Act 2010 (Commencement No. 9, Transitional and Savings Provisions) Order 2011 and comes into force on 1st November 2011.

(2) In this Order—

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

“the 1982 Act” means the Civic Government (Scotland) Act 1982(1);

“the 2005 Act” means the Licensing (Scotland) Act 2005(2);

“occasional licence application” has the meaning given in section 56(4) of the 2005 Act; and

“premises licence” has the meaning given in section 17 of the 2005 Act.

Commencement of provisions

2.—(1) The provisions of the Act specified in column 1 of the Schedule (the subject matter of which is specified in column 2 of the Schedule) come into force on the corresponding date specified in column 3 of the Schedule.

(2) Where a purpose is specified in column 4 of the Schedule, the corresponding provision specified in column 1 of the Schedule comes into force only for that purpose.

Savings provision and transitional provision - section 174 (licensing of taxis and private hire cars)

3.—(1) The commencement of section 174 of the Act has no effect as regards—

(a) an application for a licence under section 13 of the 1982 Act made before 1st November 2011; or

(b) a review under section 17(2) of the 1982 Act commenced before that date.

(2) The duty specified in section 17(2) of the 1982 Act (as substituted by section 174(3)(a) of the Act) does not apply in relation to scales which are in effect on 1st November 2011 and are the subject of a review commenced before that date.

Transitional provision - section 184 (premises licences: connected persons and interested parties)

4.—(1) For the purposes of section 40A of the 2005 Act (as inserted by section 184(2) of the Act) a premises licence holder who is an interested party in relation to licensed premises on 1st November 2011 is to be treated as having become an interested party on that date.

(2) Notwithstanding the commencement of section 184 of the Act, where a premises licence holder becomes or ceases to be an interested party in relation to the licensed premises on or after 1st November 2011 but before 1st April 2012 then notice of that fact must be given by the premises licence holder to the Licensing Board no later than 1st May 2012.

Savings provision – schedule 6 (further modifications of the 2005 Act)

5. The commencement of paragraphs 2 and 17 of schedule 6 to the Act is of no effect in relation to—

- (a) an occasional licence application received by a Licensing Board before 1st November 2011;
- (b) an application for a premises licence made to a Licensing Board before 13th December 2011;
- (c) an application for the transfer of a premises licence made to a Licensing Board before 13th December 2011; and
- (d) an application for a personal licence under section 72 of the 2005 Act made before 13th December 2011.

St Andrew's House,
Edinburgh
6th October 2011

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