
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 573

LICENSING (LIQUOR)

The Licensing (Transitional and Saving Provisions) (Scotland) Amendment Order 2007

Made - - - - - *20th December 2007*
Laid before the Scottish
Parliament - - - - - *21st December 2007*
Coming into force - - - - - *1st February 2008*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 145 and 146(2)(b) and (3) of the Licensing (Scotland) Act 2005⁽¹⁾ and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Licensing (Transitional and Saving Provisions) (Scotland) Amendment Order 2007 and comes into force on 1st February 2008.

Amendment of Order

2. The Licensing (Transitional and Saving Provisions) (Scotland) Order 2007⁽²⁾ is amended in accordance with the following provisions of this Order.

Article 6 of Order

3. In article 6, for “21 days” substitute “7 days”.

Article 7 of Order

4. In article 7(2), at the end add “but, despite the terms of that subsection, a Board may if it thinks fit entertain an objection which has been lodged or intimated after that date”.

Article 12 of Order

5. In article 12, omit paragraph (2).

(1) 2005 asp 16.
(2) S.S.I. 2007/454.

Article 14 of Order

6. In article 14, for “or 13” substitute “, 13 or 15A”.

Article 15 of Order

7. In article 15—
- (a) omit paragraph (2); and
 - (b) in paragraph (3), omit—
 - (i) the words “or (2)”; and
 - (ii) sub-paragraph (b) and the word “or” immediately before that sub-paragraph.

Article 15A of Order

8. After article 15, insert—

“Regular extensions and children’s certificates

15A.—(1) Paragraph (2) applies in respect of—

- (a) any regular extension of hours under section 64 of the 1976 Act; and
- (b) any children’s certificate under section 49 of the 1990 Act,

which is valid (including in relation to a licence provisionally granted) at the beginning of the transitional period or is granted during that period.

(2) The extension or certificate is to be valid until the end of the transitional period.”.

Article 19 of Order

9. In article 19(3)(b), at the end add “(whether by virtue of that grant or by virtue of section 57, 58, 59, 60 or 64 of that Act)”.

St Andrew’s House,
Edinburgh
20th December 2007

KENNY MACASKILL
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Licensing (Transitional and Saving Provisions) (Scotland) Order 2007 (“2007 Order”) which makes provision in relation to the transition from the licensing regime under the Licensing (Scotland) Act 1976 (“1976 Act”) to the regime under the Licensing (Scotland) Act 2005 (“2005 Act”). For that purpose, the 2007 Order creates a “transitional period” running from 1st February 2008 to 1st September 2009.

Article 3 of this Order reduces the time within which an applicant for a licence under the 1976 Act requires to give notice of the application to occupiers within the same building. Article 4 empowers a Licensing Board to consider late objections to a 1976 Act application.

Provision is made for any regular extension of hours or children’s certificate to run until the end of the transitional period if that extension or certificate is valid at the beginning of that period or granted during it (articles 5 to 8).

Article 9 allows certain transitional rights to apply where an application for a 2005 Act licence is made and the licensed hours sought are no greater than those authorised by an existing provisional licence (whether or not those hours have been extended under specified provisions of the 1976 Act).