

Executive Note
The Licensing (Appointed Day and Transitional Provisions)(Scotland) Order 2007
(S.S.I 2007/128)

The above instrument was made in exercise of the powers conferred by sections 6(7)(a), 145 and 146(2)(b) of the Licensing (Scotland) Act 2005. Section 6 will be brought into force by commencement order on 1 May 2007. The instrument is subject to negative resolution procedure.

Policy Objectives

The purpose of the instrument is as follows. Article 2 sets the appointed date for the three year cycle of a Licensing Boards policy statement detailing the Board's approach to the exercise of its functions under the 2005 Act. Articles 3 and 4 will enable Licensing Boards constituted under the 2005 Act to carry out functions under the Licensing (Scotland) Act 1976 and other legislation. Article 5 removes solely for the year 2007 the need for Local Licensing Forums to hold 4 meetings in the calendar year as these Forums will not be in existence for the whole of 2007. It also removes the need for a Licensing Standards Officer to be a member of such a Forum until the 2005 Act is fully implemented. Article 6 enables test purchasing to take place across the whole of Scotland following the pilot project under which test purchasing was previously restricted to Fife.

Consultation

The Scottish Executive undertook a public consultation between October and December 2006 which covered, amongst other matters, the arrangements to apply in the transition to the new regime set down in the Licensing (Scotland) Act 2005. Those consulted included all local authorities in Scotland, all Licensing Boards, the key licensed trade associations and a range of other stakeholder groups. In addition to this the Scottish Executive had useful discussions with key stakeholders during the consultation period. Those organisations included:

The Scottish Licensed Trade Association;
British Entertainment & Dance Association;
The Scottish Beer & Pub Association;
British Institute of Innkeeping;
Scottish Grocers' Federation;
Scottish Retail Consortium;
Association of Chief Police Officers in Scotland; and
The British Hospitality Association.

Financial Effects

The instrument has no financial effects on the Scottish Executive or local government. It may have an effect on the Police should they choose to carry out test purchasing.

Scottish Executive Finance & Central Services Department
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