

EXECUTIVE NOTE TO

THE LICENSING (TRANSITIONAL AND SAVING PROVISIONS) (SCOTLAND)
ORDER 2007

S.S.I. 2007/454

The above Order was made in exercise of the powers conferred by sections 145 and 146(2)(b) and (3) of the Licensing (Scotland) Act 2005. The Order is subject to negative resolution procedure.

Policy Objectives

The purpose of the Order is to prescribe how the Licensing Boards are to undertake the change from the previous licensing regime as regulated by the Licensing (Scotland) Act 1976 to the regime prescribed by the 2005 Act.

This will be carried out during a transitional period from 1 February 2008 until 1 September 2009. All those who wish to sell or supply alcohol after 1 September 2009 will need to apply for the relevant licence during this period.

To enable the Licensing Boards to undertake this task, the Order reduces the work required in connection with 1976 Act licences through extending the licences' validity until the end of transition and delegating certain tasks to the Licensing Clerks.

The Order offers limited protection to 1976 Act licence holders who wish to operate in a similar manner under the 2005 Act regime by excluding them from losing their licence on the grounds of overprovision. To enjoy this privilege licence holders will need to apply by prescribed dates. This will also enable Licensing Boards to stagger their work load.

Consultation

The Scottish Government undertook a consultation on a draft of this Order between October and December 2006. 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 Government 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 Inn keeping;
- 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 implications for the Scottish Government. Costs will fall on Licensing Boards in respect of administering the applications for licences but these will be offset by fees received from applicants. Parliament will be invited to consider regulations in due course which would set the level of fees payable under the Licensing (Scotland) Act 2005. This was addressed in the RIA which accompanied the Licensing (Scotland) Bill on introduction.

Criminal Justice Directorate
2007