

2007 No. 546

LICENSING (LIQUOR)

**The Licensing (Mandatory Conditions No. 2) (Scotland)
Regulations 2007**

Made - - - - - *28th November 2007*

Coming into force - - - - - *1st February 2008*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 27(2), (8) and (9) and 146(2) of the Licensing (Scotland) Act 2005^(a) and all other powers enabling them to do so.

In accordance with section 146(5) of that Act, a draft of the Regulations has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007 and come into force on 1st February 2008.

(2) In these Regulations, “the Act” means the Licensing (Scotland) Act 2005.

Amendment of mandatory conditions of premises licences

2. In paragraph 6 of schedule 3 to the Act^(b), after sub-paragraph (2) insert—

“(2A) At any time when a person (other than a person who holds a personal licence) is working in the premises in a capacity mentioned in sub-paragraph (2), there must be kept on the premises a training record which relates to that person and is in the form set out in the Schedule to the Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007.

(2B) A record kept on the premises under sub-paragraph (2A) must be produced to a Licensing Standards Officer on request.”.

3. After paragraph 12 of schedule 3 to the Act, insert—

“Display of alcohol for consumption off the premises

13.—(1) Alcohol which is for sale only for consumption off the premises may be displayed only in one or both of the following—

- (a) a single area of the premises agreed between the Licensing Board and the holder of the licence; or
- (b) a single area of the premises which is inaccessible to the public.

^(a) 2005 asp 16.

^(b) Schedule 3 was amended by S.S.I. 2007/457.

(2) In an area agreed in terms of sub-paragraph (1)(a), a product other than alcohol may be displayed only if it is—

- (a) a non-alcoholic drink; or
- (b) packaged with, and may be purchased only along with, alcohol.”.

Form of training record

4. The Schedule sets out the form referred to in sub-paragraph (2A) of paragraph 6 of schedule 3 to the Act (as inserted by regulation 2 above).

St Andrew’s House,
Edinburgh
28th November 2007

KENNY MACASKILL
A member of the Scottish Executive

SCHEDULE

Regulation 4

FORM OF TRAINING RECORD

LICENSING (SCOTLAND) ACT 2005 – SCHEDULE 3,
PARAGRAPH 6

TRAINING OF STAFF - TRAINING RECORD - [*Name of member of staff to be inserted here*]

The Act

Schedule 3

6.—(1) No person (other than a person who holds a personal licence) is to work in the premises in the capacity mentioned in sub-paragraph (2) unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this paragraph.

(2) That is a capacity (whether paid or unpaid) which involves the person—

- (a) making sales of alcohol, or
- (b) where alcohol is sold on the premises for consumption on the premises, serving such alcohol to any person.

DECLARATION

TRAINEE

I [*insert name of member of staff*] confirm that I have received the training required by the Licensing (Training of Staff) (Scotland) Regulations 2007.

[*Please insert signature*]

TRAINER

I [*please insert name*] confirm that I have provided the above named member of staff with the training required under the Licensing (Training of Staff) (Scotland) Regulations 2007 on [*please insert date or dates*].

[*Please insert signature*]

[*Where signatory is the holder of a Personal Licence issued under the Licensing (Scotland) Act 2005, please insert the number and the name of Licensing Board which issued the licence here*].

[*Where signatory is a person other than the holder of a Personal Licence described above, please provide details of the qualification held and accredited by the Scottish Qualifications Authority for the purposes of regulation 2(b) of the Licensing (Training of Staff) (Scotland) Regulations 2007. The name of any company by which the person is employed to provide training should also be given.*]

EXPLANATORY NOTE

(This note is not part of the Regulations)

Schedule 3 to the Licensing (Scotland) Act 2005 (“the Act”) lists mandatory conditions which must be imposed by a Licensing Board on the granting of a premises licence. These Regulations amend that schedule in two respects.

Regulation 2 amends paragraph 6 of schedule 3. That paragraph imposes a training requirement on those working in licensed premises selling or serving alcohol. Paragraph 6 is amended so as to require a training record in respect of a relevant staff member to be kept on the premises whilst that person is working there. The form of record is set out in the Schedule to these Regulations.

Regulation 3 inserts a new paragraph 13 into schedule 3 to the Act. This paragraph imposes restrictions on the areas within premises in which alcohol for consumption off the premises may be displayed.

£3.00

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