

POLICY NOTE

THE AIR WEAPONS AND LICENSING (SCOTLAND) ACT 2015 (COMMENCEMENT No. 4, TRANSITIONAL AND SAVING PROVISIONS) ORDER 2016

SSI 2016/132 (C. 14)

1. The above instrument is made in exercise of the power conferred by section 88(2) and (3) of the Air Weapons and Licensing (Scotland) Act 2015 (“the 2015 Act”). It is not subject to any parliamentary procedure.

Policy Objectives

2. This Order brings certain provisions of the 2015 Act into force on 30 September 2016.
3. The Bill for the 2015 Act received Royal Assent on 4 August 2015. Sections 60(1) and (2), 84, 85, 86, 88 and 89 of the 2015 Act came into force on the following day.
4. This Order forms part of an implementation package for the 2015 Act. The provisions of the 2015 Act are being commenced in several stages. This is the fourth commencement order. Specifically, it brings into force on 30 September 2016 the following provisions of the 2015 Act:

Alcohol licensing

- **Section 42** – this section is commenced, and will amend the duration of a licensing policy statement to align it with the term of Local Government elections. Article 3 of the Order makes transitional provisions such that a licensing policy statement already in existence on 30th September 2016 shall continue to have effect until a new licensing policy statement is published as per section 6(1) or (3ZA) of the 2005 Act, and that a Licensing Board may continue to publish a supplementary licensing policy statement to their existing licensing policy statement until a new licensing policy statement is published. This will have the effect that a licensing policy statement is no longer required to be published in November 2016, and the next licensing policy statement is instead likely to be required to be published in November 2018.
- **Section 55** – this section is commenced, and clarifies that for an overprovision assessment, the whole Board area may be considered as an area of overprovision; and will make it clear that Boards may take account of, among other things, the licensed hours of licensed premises. Article 4 of the Order makes a saving provision that has the effect that despite the commencement of section 55 of the 2015 Act the amendments therein do not apply to the consideration of certain appeals against a determination of refusal of an application made under either sections 23 or 30, where the determination was made prior to 30 September 2016.

Consultation

5. No formal consultation was carried out in relation to this Order. However, formal consultation took place before the Bill for the 2015 Act was introduced. Informal consultation with stakeholders took place during the Bill's parliamentary passage, and will continue during the implementation process. The links below show the relevant consultation documentation:

Air weapons:

<http://www.scotland.gov.uk/Topics/Justice/crimes/Firearms/governmentaction/airweaponlicensing>

Alcohol licensing:

<http://www.scotland.gov.uk/Publications/2012/12/8130>

Civic licensing:

<http://www.scotland.gov.uk/Publications/2013/06/3607>

<http://www.scotland.gov.uk/Publications/2013/04/5185>

<http://www.scotland.gov.uk/Publications/2012/11/2484>

Impact Assessments and Financial Effects

6. Both an Equality Impact Assessment and a Business and Regulatory Impact Assessment were carried out in relation to the Bill for the 2015 Act. The links below show the relevant documentation:

Equality Impact Assessment:

<http://www.gov.scot/Publications/2014/05/3617>

Business and Regulatory Impact Assessment:

<http://www.gov.scot/Publications/2014/05/7168>

Criminal Justice Division
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