

EXECUTIVE NOTE

THE LICENSING (SCOTLAND) ACT 2005 (TRANSITIONAL PROVISIONS) ORDER 2009

S.S.I. 2009/277

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

Policy Objectives

From 1 September 2009 paragraph 4 of Schedule 3 to the Licensing (Scotland) Act 2005 requires every licensed premises to have a premises manager who holds a Personal Licence to authorise the sale of alcohol. The purpose of the instrument is to enable a number of licensed premises to continue to trade from 1 September 2009 to 1 November 2009 where the designated premises manager's application for a personal licence has yet to be approved by the Licensing Board.

For a licensed premises to take advantage of the provisions of this instrument, the premises licence holder must have nominated who would be the designated premises manager on or before 31 August 2009 and for the nominated designated premises manager also to have submitted an application for a personal licence together with evidence of a relevant licensing qualification to a Licensing Board on or before 31 August 2009.

Consultation

The Scottish Government has received representations from the Licensed Trade and consulted representatives of the Police, Licensing Board Clerks and legal representatives of the trade.

Financial Effects

The instrument has no financial effects on the Scottish Executive. Any costs incurred by local authorities in respect of administering applications will be recovered through the licensing fee system. It will enable certain businesses to trade from 1 September 2009 which otherwise would have had to cease the sale of alcohol.