

2016 No. 132 (C. 14)

LICENSING (LIQUOR)

**The Air Weapons and Licensing (Scotland) Act 2015
(Commencement No. 4, Transitional and Saving Provisions)
Order 2016**

Made - - - - - *25th February 2016*
Laid before the Scottish Parliament *29th February 2016*
Coming into force - - - *30th September 2016*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 88(2) and (3) of the Air Weapons and Licensing (Scotland) Act 2015^(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Air Weapons and Licensing (Scotland) Act 2015 (Commencement No. 4, Transitional and Saving Provisions) Order 2016 and comes into force on 30th September 2016.

(2) In this Order—

“the 2015 Act” means the Air Weapons and Licensing (Scotland) Act 2015;

“Licensing Board” means a Board continued in existence by or established under section 5 of the 2005 Act.

Appointed day

2. 30th September 2016 is the day appointed for the coming into force of the following provisions of the 2015 Act—

- (a) section 42 (statements of licensing policy licensing policy periods);
- (b) section 55 (overprovision).

Transitional provisions

3. Despite the commencement of section 42 of the 2015 Act—

- (a) a licensing policy statement published under section 6(1) of the 2005 Act before 30th September 2016 continues to have effect on or after that date as it had before that date until a new licensing policy statement is published under section 6(1) of the 2005 Act; and

(a) 2015 asp 10.

- (b) a Licensing Board may continue to publish a supplementary licensing policy statement, within the meaning of section 6(2) of the 2005 Act, to any existing licensing policy statement mentioned in paragraph (a).

Saving provision

4. Where a decision of a Licensing Board under either section 23 or 30 of the 2005 Act is made prior to 30th September 2016, the amendments made by section 55 of the 2015 Act have no effect in relation to an appeal against that decision under section 131 of the 2005 Act.

St Andrew's House,
Edinburgh
25th February 2016

MICHAEL MATHESON
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force sections 42 and 55 of the Air Weapons and Licensing (Scotland) Act 2015 (“the 2015 Act”). The provisions are brought into force on 30th September 2016 (article 2).

Article 3 contains transitional provisions. Article 4 contains a saving provision.

Article 3 of the Order makes transitional provisions that have the effect that despite the commencement of section 42 of the 2015 Act, (a) any licensing policy statement already in existence prior to 30th September 2016 shall continue to have effect until a new licensing policy statement is published as per section 6(1) of the 2005 Act, and (b) a Licensing Board may continue to publish a supplementary licensing policy statement to their existing policy statement until a new licensing policy statement is published as aforementioned.

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 shall not apply to the consideration of certain appeals of a determination of refusal of an application made under either sections 23 or 30, where the determination was made prior to 30th September 2016.

The Bill for the 2015 Act received Royal Assent on 4th August 2015. Sections 60(1) and (2), 84, 85, 86, 88 and 89 of the 2015 Act came into force on the following day.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the 2015 Act have been, or are due to be, brought into force by commencement orders made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 1	1st December 2015	2015/382
Section 2 (partially)	1st December 2015	2015/382
Section 2 in so far as not already in force	31st December 2016	2016/130
Sections 3 – 5	1st July 2016	2016/130
Section 6 (1) to (3)	1st July 2016	2016/130
Section 6 in so far as not already in force	31st December 2016	2016/130
Sections 7, 8(1), 9(1) and (2),10 and 11(1) to (4) and (7)	1st July 2016	2016/130
Sections 8,9 and 11 in so far not already in force	31st December 2016	2016/130
Sections 12,13,14,15(1) to (3), 16(1) to (5) and (8) and 17(1),(2) ,(6) and (7)	1st July 2016	2016/130
Sections 15,16 and 17 in so far as not already in force	31st December 2016	2016/130
Sections 18- 22	1st July 2016	2016/130
Sections 23- 27	31st December 2016	2016/130
Section 28	1st July 2016	2016/130
Sections 29 and 30	31st December 2016	2016/130
Sections 31(1) and (3)	1st July 2016	2016/130
Section 31 in so far as not already in force	31st December 2016	2016/130
Sections 32, 33 and 34 (other than subsection(2)(n))	1st July 2016	2016/130

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 34 in so far as not already in force	31st December 2016	2016/130
Section 35(1), (2), and (4)	1st December 2015	2015/382
Section 35(3)	1st July 2016	2016/130
Section 36	1st December 2015	2015/382
Section 37	1st July 2016	2016/130
Section 38	31st December 2016	2016/130
Section 39(1)	1st July 2016	2016/130
Section 39(2) and (3)	1st December 2015	2015/382
Section 40	1st December 2015	2015/382
Section 56 (partially)	1st December 2015	2015/382
Section 65(1), (2), (4) and (5)	1st December 2015	2015/382
Sections 66-69	1st September 2016	2016/85
Section 70(1) and (3) (partially)	1st December 2015	2015/382
Section 70 in so far as not already in force	1st September 2016	2016/85
Section 72(partially)	16th March 2016	2016/85
Section 72 in so far as not already in force	1st September 2016	2016/85
Section 73	1st December 2015	2015/382
Section 76(1) and (3) (partially)	1st December 2015	2015/382
Section 79	1st December 2015	2015/382
Section 80(1) and (2) (partially)	1st December 2015	2015/382
Section 87 (partially)	31st December 2016	2016/130
Schedule 1	31st December 2016	2016/130
Schedule 2 part 1	31st December 2016	2016/130

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