

2018 No. 102 (C. 10)

CRIMINAL LAW

LICENSING (LIQUOR)

**The Criminal Justice and Licensing (Scotland) Act 2010
(Commencement No. 15 and Saving Provision) and the Air
Weapons and Licensing (Scotland) Act 2015 (Commencement
No. 8) Order 2018**

Made - - - - - *21st March 2018*

Laid before the Scottish Parliament *23rd March 2018*

Coming into force - - - *29th June 2018*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 201(1) and (2) and 206(1) of the Criminal Justice and Licensing (Scotland) Act 2010^(a) and section 88 (2) of the Air Weapons and Licensing (Scotland) Act 2015^(b).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Criminal Justice and Licensing (Scotland) Act 2010 (Commencement No. 15 and Saving Provision) and the Air Weapons and Licensing (Scotland) Act 2015 (Commencement No. 8) Order 2018 and comes into force on the 29th June 2018.

(2) In this Order—

“the 2010 Act” means the Criminal Justice and Licensing (Scotland) Act 2010;

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

Commencement of the 2010 Act provisions

2. On 29th June 2018 the following provisions of the 2010 Act come into force:—

(a) Section 184 (Premises licences: connected persons and interested parties), in so far as not already in force;

(b) Section 197 (Powers of Licensing Standards Officers).

Commencement of the 2015 Act provisions

3. 29th June 2018 is the day appointed for section 59 (Interested parties) of the 2015 Act to come into force.

(a) 2010 asp 13.

(b) 2015 asp 10.

Saving Provision – Powers of Licensing Standards Officers

4. Notwithstanding the commencement of section 197 of the 2010 Act, inspections and investigations commenced by Licensing Standards Officers prior to 29th June 2018 and which have not concluded as at that date shall proceed as if that section has not been commenced.

St Andrew's House,
Edinburgh
21st March 2018

MICHAEL MATHESON
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 29th June 2018 certain provisions of the Criminal Justice and Licensing (Scotland) Act 2010 (“the 2010 Act”) and the Air Weapons and Licensing (Scotland) Act 2015 (“the 2015 Act”).

Article 2 of this Order commences section 184 of the 2010 Act in so far as it is not already in force. Section 184 amends certain sections of the Licensing (Scotland) Act 2005 (“the 2005 Act”) and also inserts section 40A into the 2005 Act. Section 40A requires premises licence holders to notify Licensing Boards of changes to connected persons and interested parties. Section 184 was partially commenced by S.S.I. 2010/413. This was generally in respect of connected person and not interested parties. Article 2 now commences section 184 in its entirety. Section 59 of the 2015 Act amends section 184 by removing references to interested parties. Article 3 commences section 59 of the 2015 Act on the same day as the remainder of section 184.

Section 197 of the 2010 Act, which amends the 2005 Act by increasing the powers of Licensing Standard Officers, is also commenced in Article 2.

Article 4 of this Order makes a saving provision in relation to inspections and investigations by Licensing Standards Officers commenced prior to 29th June 2018 and which have not yet concluded. It provides that any such inspection and investigation shall proceed as if section 197 had not been commenced.

The Bill for the 2010 Act received Royal Assent on 6th August 2010. Sections 201, 202, 204, 205 and 206 came into force on the day after Royal Assent. The Bill for the 2015 Act received Royal Assent on 4th August 2015. Sections 60(1) and (2), 84, 85, 86, 88 and 89 came into force the following day.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

ORDERS UNDER THE CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010

The following provisions of the 2010 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>Instrument No.</i>
Section 1(1)	7th May 2015	S.S.I. 2015/177
Section 1(2) (partially)	7th May 2015	S.S.I. 2015/177
Section 1 (insofar as not already in force)	19th October 2015	S.S.I. 2015/336
Section 2 to 13	19th October 2015	S.S.I. 2015/336
Section 14(1) (partially)	1st February 2011	S.S.I. 2010/413
Section 14(1) (for all remaining purposes)	1st April 2011	S.S.I. 2010/413
Section 14(2)	1st February 2011	S.S.I. 2010/413
Section 15	28th March 2011	S.S.I. 2011/178
Section 16	13th December 2010	S.S.I. 2010/413
Section 17	1st February 2011	S.S.I. 2010/413
Section 19	28th March 2011	S.S.I. 2011/178
Sections 20 and 21	1st February 2011	S.S.I. 2010/413
Section 22	28th March 2011	S.S.I. 2011/178
Section 23	13th December 2010	S.S.I. 2010/413
Section 24	28th March 2011	S.S.I. 2011/178
Sections 25 and 26	13th December 2010	S.S.I. 2010/413

<i>Provision</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Section 27	28th March 2011	S.S.I. 2011/178
Sections 28 to 31	13th December 2010	S.S.I. 2010/413
Sections 32 and 33	28th March 2011	S.S.I. 2011/178
Section 34	13th December 2010	S.S.I. 2010/413
Section 35	28th March 2011	S.S.I. 2011/178
Section 36	28th March 2011	S.S.I. 2011/178
Section 37	13th December 2010	S.S.I. 2010/413
Section 38	6th October 2010	S.S.I. 2010/339
Sections 39 to 41	13th December 2010	S.S.I. 2010/413
Section 42	28th March 2011	S.S.I. 2011/178
Sections 43 and 44	1st December 2010	S.S.I. 2010/357
Section 45	13th December 2010	S.S.I. 2010/413
Sections 46 to 53	28th March 2011	S.S.I. 2011/178
Section 54	6th June 2011	S.S.I. 2011/178
Section 55	28th March 2011	S.S.I. 2011/178
Section 56	13th December 2010	S.S.I. 2010/413
Sections 57 and 58	28th March 2011	S.S.I. 2011/178
Sections 59 and 60	13th December 2010	S.S.I. 2010/413
Sections 61 and 62	28th March 2011	S.S.I. 2011/178
Section 63	1st December 2010	S.S.I. 2010/357
Section 64	13th December 2010	S.S.I. 2010/413
Sections 65 to 70	28th March 2011	S.S.I. 2011/178
Section 71	13th December 2010	S.S.I. 2010/413
Sections 72 to 76	28th March 2011	S.S.I. 2011/178
Section 77(1) (partially)	28th March 2011	S.S.I. 2011/178
Section 77(1) (for all remaining purposes)	1st August 2011	S.S.I. 2011/178
Section 77(2)(a)	28th March 2011	S.S.I. 2011/178
Section 77(2)(b) and (c)	1st August 2011	S.S.I. 2011/178
Section 77(3)	28th March 2011	S.S.I. 2011/178
Sections 78 and 79	28th March 2011	S.S.I. 2011/178
Section 80 (partially)	13th December 2010	S.S.I. 2010/413
Section 80 (for all remaining purposes)	15th April 2011	S.S.I. 2011/178
Section 81	28th March 2011	S.S.I. 2011/178
Section 82	1st August 2011	S.S.I. 2011/178
Section 83	5th November 2010	S.S.I. 2010/385
Section 84	28th March 2011	S.S.I. 2011/178
Section 85	6th June 2011	S.S.I. 2011/178
Sections 86 to 91	28th March 2011	S.S.I. 2011/178
Section 93	13th December 2010	S.S.I. 2010/413
Sections 94 to 96	10th January 2011	S.S.I. 2010/413
Section 97	6th October 2010	S.S.I. 2010/339
Section 99	13th December 2010	S.S.I. 2010/413
Section 100	1st November 2011	S.S.I. 2011/354
Section 101	13th December 2010	S.S.I. 2010/413
Section 102(1) (partially), (2) (partially) and (3) to (6)	28th March 2011	S.S.I. 2011/178
Section 102 (1) and (2) insofar as not already in force	8th July 2013	S.S.I. 2013/214
Section 103	1st November 2011	S.S.I. 2011/354
Sections 104 and 105	13th December 2010	S.S.I. 2010/413
Sections 106 and 107	28th March 2011	S.S.I. 2011/178
Section 108(1) (partially) and (4)	12th October 2010	S.S.I. 2010/344

<i>Provision</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Section 108 (for all remaining purposes)	28th February 2011	S.S.I. 2011/157
Section 109	1st November 2011	S.S.I. 2011/354
Section 110	1st November 2011	S.S.I. 2011/354
Sections 111 to 114	13th December 2010	S.S.I. 2010/413
Section 115	28th March 2011	S.S.I. 2011/178
Sections 116 to 167	6th June 2011	S.S.I. 2011/178
Sections 168 to 171	25th June 2012	S.S.I. 2012/160
Section 172(1) to (3), (4)(a), (5) and (6)	28th March 2011	S.S.I. 2011/178
Section 173	13th December 2010	S.S.I. 2010/413
Section 174	1st November 2011	S.S.I. 2011/354
Section 175	28th March 2011	S.S.I. 2011/178
Section 176	1st April 2012	S.S.I. 2011/178
Section 177	1st October 2012	S.S.I. 2011/178
Section 178(3)(e)	16th August 2010	S.S.I. 2010/297
Section 178 (for all remaining purposes)	28th February 2011	S.S.I. 2010/413
Section 179	30th March 2018	S.S.I. 2017/445
Sections 180 and 181	13th December 2010	S.S.I. 2010/413
Section 182	28th February 2011	S.S.I. 2010/413
Section 183	13th December 2010	S.S.I. 2010/413
Section 184(1), (2) (partially) and (3) (partially)	13th December 2010	S.S.I. 2010/413
Section 185	13th December 2010	S.S.I. 2010/413
Section 186	28th March 2011	S.S.I. 2011/178
Section 187	13th December 2010	S.S.I. 2010/413
Section 188(1)	13th December 2010	S.S.I. 2010/413
Section 188(2)	28th March 2011	S.S.I. 2011/178
Section 188(3)	13th December 2010	S.S.I. 2010/413
Sections 189 and 190	1st October 2011	S.S.I. 2011/178
Section 191	28th March 2011	S.S.I. 2011/178
Sections 192 to 194	13th December 2010	S.S.I. 2010/413
Section 195(1), (2) and (3) (partially)	13th December 2010	S.S.I. 2010/413
Section 195 (for all remaining purposes)	1st November 2011	S.S.I. 2011/354
Section 196	13th December 2010	S.S.I. 2010/413
Sections 198 and 199	13th December 2010	S.S.I. 2010/413
Section 203	28th March 2011	S.S.I. 2011/178
Schedule 1 (partially), paragraph 2	7th May 2015	S.S.I. 2015/177
Schedule 1 (insofar as not already in force)	19th October 2015	S.S.I. 2015/336
Schedule 2 (with the exception of paragraph 38)	1st February 2011	S.S.I. 2010/413
Schedule 2, paragraph 38	The day that section 25(2) of the Welfare Reform Act 2009 (c.24) (jobseekers allowance: sanctions for violent conduct etc. in connection with claim) comes into force	S.S.I. 2010/413
Schedule 4 (with the exception of paragraph 12)	13th December 2010	S.S.I. 2010/413
Schedule 5	28th March 2011	S.S.I. 2011/178
Schedule 6 (with the exception of paragraphs 2, 9, 10 and 17)	13th December 2010	S.S.I. 2010/413

<i>Provision</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Schedule 6, paragraphs 2, 9, 10 and 17	1st November 2011	S.S.I. 2011/354
Schedule 7, paragraphs—		
1 to 3	28th March 2011	S.S.I. 2011/178
4 and 5	13th December 2010	S.S.I. 2010/413
6	28th March 2011	S.S.I. 2011/178
7	1st November 2011	S.S.I. 2011/354
8	25th June 2012	S.S.I. 2012/160
9 and 10	1st November 2011	S.S.I. 2011/354
11 and 12	28th March 2011	S.S.I. 2011/178
13	13th December 2010	S.S.I. 2010/413
14 and 15	28th March 2011	S.S.I. 2011/178
16	25th June 2012	S.S.I. 2012/160
17 to 25	28th March 2011	S.S.I. 2011/178
27 to 31	28th March 2011	S.S.I. 2011/178
32	25th June 2012	S.S.I. 2012/160
33	1st August 2011	S.S.I. 2011/178
34 to 36	28th March 2011	S.S.I. 2011/178
37 to 43	25th June 2012	S.S.I. 2012/160
44 and 45	28th March 2011	S.S.I. 2011/178
46	25th June 2012	S.S.I. 2012/160
47	28th March 2011	S.S.I. 2011/178
48	10th January 2011	S.S.I. 2010/413
49	13th December 2010	S.S.I. 2010/413
50	28th March 2011	S.S.I. 2011/178
51	25th June 2012	S.S.I. 2012/160
52 to 56	28th March 2011	S.S.I. 2011/178
57 and 58	25th June 2012	S.S.I. 2012/160
59 to 61	28th March 2011	S.S.I. 2011/178
62	25th June 2012	S.S.I. 2012/160
63 to 65	28th March 2011	S.S.I. 2011/178
66	25th June 2012	S.S.I. 2012/160
67 to 69	28th March 2011	S.S.I. 2011/178
71	25th June 2012	S.S.I. 2012/160
72	28th March 2011	S.S.I. 2011/178
73	25th June 2012	S.S.I. 2012/160
74	28th March 2011	S.S.I. 2011/178
75 and 76	25th June 2012	S.S.I. 2012/160
77 to 83	28th March 2011	S.S.I. 2011/178
84 and 85	25th June 2012	S.S.I. 2012/160
86	13th December 2010	S.S.I. 2010/413
87	25th June 2012	S.S.I. 2012/160

ORDERS UNDER AIR WEAPONS AND LICENSING (SCOTLAND) ACT 2015

The following provisions of the 2015 Act have been brought into force by commencement orders made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Section 1	1st December 2015	S.S.I. 2015/382
Section 2 (partially)	1st December 2015	S.S.I. 2015/382
Section 2 in so far as not already in force	31st December 2016	S.S.I. 2016/130

<i>Provision</i>	<i>Date of Commencement</i>	<i>Instrument. No.</i>
Sections 3 to 5	1st July 2016	S.S.I. 2016/130
Section 6 (1) to (3)	1st July 2016	S.S.I. 2016/130
Section 6 in so far as not already in force	31st December 2016	S.S.I. 2016/130
Sections 7, 8(1), 9(1) and (2), 10 and 11(1) to (4) and (7)	1st July 2016	S.S.I. 2016/130
Sections 8, 9 and 11 in so far not already in force	31st December 2016	S.S.I. 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	S.S.I. 2016/130
Sections 15, 16 and 17 in so far as not already in force	31st December 2016	S.S.I. 2016/130
Sections 18 to 22	1st July 2016	S.S.I. 2016/130
Sections 23 to 27	31st December 2016	S.S.I. 2016/130
Section 28	1st July 2016	S.S.I. 2016/130
Sections 29 and 30	31st December 2016	S.S.I. 2016/130
Sections 31(1) and (3)	1st July 2016	S.S.I. 2016/130
Section 31 in so far as not already in force	31st December 2016	S.S.I. 2016/130
Sections 32, 33 and 34 (other than subsection(2)(n))	1st July 2016	S.S.I. 2016/130
Section 34 in so far as not already in force	31st December 2016	S.S.I. 2016/130
Section 35(1), (2), and (4)	1st December 2015	S.S.I. 2015/382
Section 35(3)	1st July 2016	S.S.I. 2016/130
Section 36	1st December 2015	S.S.I. 2015/382
Section 37	1st July 2016	S.S.I. 2016/130
Section 38	31st December 2016	S.S.I. 2016/130
Section 39(1)	1st July 2016	S.S.I. 2016/130
Section 39(2) and (3)	1st December 2015	S.S.I. 2015/382
Section 40	1st December 2015	S.S.I. 2015/382
Section 41	15th May 2017	S.S.I. 2017/119
Section 42	30th September 2016	S.S.I. 2016/132
Sections 43 to 48	15th May 2017	S.S.I. 2017/119
Sections 50 and 51	15th May 2017	S.S.I. 2017/119
Sections 53 and 54	15th May 2017	S.S.I. 2017/119
Section 55	30th September 2016	S.S.I. 2016/132
Section 56 (partially)	1st December 2015	S.S.I. 2015/382
Section 56 (partially)	15th May 2017	S.S.I. 2017/119
Section 56 in so far as not already in force	20th December 2017	S.S.I. 2017/424
Sections 57 and 58	15th May 2017	S.S.I. 2017/119
Section 60 for all remaining purposes	15th May 2017	S.S.I. 2017/119
Section 62	15th May 2017	S.S.I. 2017/119
Section 63	1st May 2017	S.S.I. 2016/307
Section 64	1st November 2016	S.S.I. 2016/307
Section 65(1), (2), (4) and (5)	1st December 2015	S.S.I. 2015/382
Sections 66 to 69	1st September 2016	S.S.I. 2016/85
Section 70(1) and (3) (partially)	1st December 2015	S.S.I. 2015/382
Section 71	1st November 2016	S.S.I. 2016/307
Section 70 in so far as not already in force	1st September 2016	S.S.I. 2016/85
Section 72 (partially)	16th March 2016	S.S.I. 2016/85
Section 72 in so far as not already in force	1st September 2016	S.S.I. 2016/85
Section 73	1st December 2015	S.S.I. 2015/382
Section 75	1st November 2016	S.S.I. 2016/307
Section 76(1) and (3) (partially)	1st December 2015	S.S.I. 2015/382

<i>Provision</i>	<i>Date of Commencement</i>	<i>Instrument. No.</i>
Section 77	1st May 2017	S.S.I. 2016/307
Section 78	1st November 2016	S.S.I. 2016/307
Section 79	1st December 2015	S.S.I. 2015/382
Section 80(1) and (2) (partially)	1st December 2015	S.S.I. 2015/382
Section 80 for all other purposes	1st November 2016	S.S.I. 2016/307
Section 81	1st November 2016	S.S.I. 2016/307
Section 82	1st May 2017	S.S.I. 2016/307
Section 83	1st November 2016	S.S.I. 2016/307
Section 87 (partially)	31st December 2016	S.S.I. 2016/130
Section 87 (partially)	15th May 2017	S.S.I. 2017/119
Section 87 in so far as not already in force	20th December 2017	S.S.I. 2017/424
Schedule 1	31st December 2016	S.S.I. 2016/130
Schedule 2, Part 1	31st December 2016	S.S.I. 2016/130
Schedule 2, Part 2, paragraph 4(1), (3), (5) and (7)	15th May 2017	S.S.I. 2017/119
Schedule 2, Part 3	20th December 2017	S.S.I. 2017/424

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